



para 26  
" 184  
206  
389  
para 153  
180

# **A NEW PARLIAMENTARY COMMITTEE SYSTEM**

**Report of the Joint Committee on the Parliamentary  
Committee System**

A NEW PARLIAMENTARY  
COMMITTEE SYSTEM

Report of the  
Joint Committee on the Parliamentary Committee System

26 May 1976

AUSTRALIAN GOVERNMENT PUBLISHING SERVICE

CANBERRA 1976

ISBN 0 642 02162 7

Printed by Watson Ferguson & Co., Brisbane

## RESOLUTION OF APPOINTMENT\*

- (1) That a Joint Committee be appointed to inquire into, report on and make recommendations for—
  - (a) a balanced system of committees for the Parliament;
  - (b) the integration of the committee system into the procedures of the Parliament, and
  - (c) arrangements for committee meetings which will best suit the convenience of Senators and Members.
- (2) That the committee consist of four Members of the House of Representatives nominated by the Prime Minister, three Members of the House of Representatives nominated by the Leader of the Opposition in the House of Representatives, three Senators nominated by the Leader of the Government in the Senate and three Senators nominated by the Leader of the Opposition in the Senate.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the committee elect as Chairman of the committee one of the members nominated by the Prime Minister or by the Leader of the Government in the Senate.
- (5) That the committee elect as Deputy Chairman one of the members nominated by the Leader of the Opposition being a member from a different House than the Chairman, and that the member so elected act as Chairman of the committee at any time when the Chairman is not present at a meeting of the committee.
- (6) That the committee have power to appoint sub-committees consisting of three or more of its members and to refer to any such sub-committee any of the matters which the committee is empowered to examine.
- (7) That the committee have power to send for persons, papers and records, to move from place to place and to sit during any recess or adjournment of the Parliament.
- (8) That seven members of the committee constitute a quorum of the committee, and a majority of the members of a sub-committee constitute a quorum of that sub-committee.
- (9) That in matters of procedure the Chairman or Deputy Chairman presiding at the meeting have a deliberative vote and, in the event of an equality of voting, have a casting vote, and that, in other matters, the Chairman or Deputy Chairman have a deliberative vote only.
- (10) That the committee be provided with all necessary staff, facilities and resources.
- (11) That the committee or a sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (12) That the committee may proceed to the dispatch of business notwithstanding that all members of the committee have not been appointed and notwithstanding any vacancy on the committee.
- (13) That the committee in selecting particular matters for investigation take account of the investigations of other Parliamentary committees and avoid duplication.
- (14) That the committee or any sub-committee have power to consider and make use of the evidence and records of the Joint Committee on the Parliamentary Committee System appointed during the Twenty-ninth Parliament.
- (15) That the committee have leave to report from time to time but so that its final recommendations be presented on or before 26 May 1976 and that any member of the committee have power to add a protest or dissent to any report.
- (16) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

---

\* Senate Journals No. 12, 18 March 1976, and House of Representatives Votes and Proceedings No. 11, 17 March 1976.



PERSONNEL OF THE COMMITTEE IN THE 30TH PARLIAMENT\*

Chairman .. Senator the Hon. Sir Magnus  
Cormack, K.B.E.

Deputy Chairman .. Dr H.A. Jenkins, M.P.

Members .. Senator A.T. Gietzelt  
Senator R.E. McAuliffe  
Senator J.A. Mulvihill  
Senator P.E. Rae  
Senator T.J. Tehan  
Mr A.G. Cadman, M.P.  
Mr P.F. Johnson, M.P.  
Mr P.F. Morris, M.P.  
The Hon. I.L. Robinson, M.P.  
Mr W. Yates, M.P.  
Mr M.J. Young, M.P.

Clerk to the Committee: Mr G.J. Horsfield

---

\* The following were also members at some time in the 29th Parliament:

Senator the Hon. T.C. Drake-Brockman, D.F.C.  
The Hon. J.M. Berinson  
The Hon. D.E. Fairbairn, D.F.C.  
Dr the Hon. A.J. Forbes, M.C.  
Dr R.E. Klugman, M.P.  
Mr G.G.D. Scholes, M.P.

RECOMMENDATIONS

	<u>Paragraph</u>
<u>LEGISLATION COMMITTEES</u> (Chapter II)	
Appointment of legislation committees in both Houses	80
Procedural recommendations	91, 97, 104, 109, 111, 113, 116, 120
Pre-legislative committees recommended	124
<u>FINANCIAL SCRUTINY</u> (Chapter III)	
Appointment of House of Representatives Standing Committee on Public Administration	164
<u>SUBJECT MATTER COMMITTEES</u> (Chapter IV)	
Appointment of Senate committees	204
Appointment of Business Committee in House of Representatives	212
Procedural recommendations	208, 220, 223
<u>DOMESTIC COMMITTEES</u> (Chapter V)	
Appointment of Management and Members' Services Committees	232, 233
Appointment of Procedure Committees	249
<u>SELECT COMMITTEES</u> (Chapter VI)	
Continued appointment of select committees	258
Procedural recommendations	259
<u>MISCELLANEOUS</u> (Chapter VII)	
Appointment of Senate Committee on Delegated Powers	267
<u>PROCEDURAL AND ADMINISTRATIVE</u> (Chapters VIII, IX)	276, 328, 332

TABLE OF CONTENTS

<u>Chapter</u>		<u>Paragraphs</u>
I	THE REPORT IN BRIEF	1 - 41
	Introduction	1 - 9
	Legislation committees	10 - 13
	Financial scrutiny of the executive	14 - 20
	Subject matter committees	21 - 28
	Domestic committees	29 - 30
	Select committees	31 - 32
	Miscellaneous committees of scrutiny	33 - 35
	Procedural change	36
	Administrative and support services	37 - 40
	Acknowledgements	41
II	LEGISLATION COMMITTEES	42 - 133
	DISCUSSION	42 - 79
	The evidence	48 - 61
	Standing committees of the British House of Commons	62 - 70
	Standing committees of the Canadian Parliament	71 - 76
	Procedural arrangements in Britain and Canada	77 - 79
	RECOMMENDATIONS	80 - 133
	COMMITTEES TO DEAL WITH COMMITTEE OF THE WHOLE STAGE	80 - 122
	Appointment of legislation committees	80 - 90
	Committees of Selection	91 - 94
	Ministerial participation	95 - 96
	Reference of Bills to legislation committees	97 - 100
	Chairmen of British legislation committees	101 - 103



<u>Chapter</u>	<u>Paragraphs</u>
Chairman of Australian legislation committees	104 - 108
Committee membership; quorums	109 - 115
Other members; amendments	116 - 119
Report stage	120 - 122
COMMITTEES TO DEAL WITH OTHER STAGES OF LEGISLATION	123 - 133
Pre-legislative committees	124 - 126
Select committees to consider Bills after the second reading	127 - 128
Private Members' Bills	129 - 132
Tariff proposals	133
III FINANCIAL SCRUTINY OF THE EXECUTIVE	134 - 182
DISCUSSION	134 - 163
The Public Works Committee	140 - 142
The Public Accounts Committee	143 - 144
Strengthening financial control	145 - 146
Britain and Canada	147 - 152
Recent proposals	153 - 156
Available alternatives	157 - 163
CONCLUSIONS AND RECOMMENDATION	164 - 182
Public Administration Committee	164 - 174
Senate estimates committees	175 - 182
IV SUBJECT MATTER COMMITTEES	183 - 231
DISCUSSION	183 - 196
The present system	183 - 187
The British committee system	188 - 189
The Canadian committee system	190 - 192
Evidence taken by the committee	193 - 196

<u>Chapter</u>	<u>Paragraphs</u>
CONCLUSIONS AND RECOMMENDATIONS	197 - 231
Parallel systems	199
Institutional systems	200 - 202
A compromise system	203
The Senate	204 - 211
The House of Representatives	212 - 222
Committee membership; quorums, etc.	223 - 224
Committee chairmen	225 - 226
Duplication	227 - 228
Distinctions between different types of committees	229 - 231
V       "DOMESTIC" COMMITTEES	232 - 255
HOUSEKEEPING AND ADMINISTRATIVE FUNCTIONS	232 - 245
Library, House and Publications Committees	232 - 241
New and Permanent Parliament House Committee	242 - 243
Broadcasting Committee	244 - 245
JUDICIAL FUNCTIONS	246 - 248
Privileges Committees	246 - 247
Disputed Returns and Qualifications Committee	248
PROCEDURAL FUNCTIONS	249 - 255
VI       SELECT COMMITTEES	256 - 262
VII      MISCELLANEOUS COMMITTEES OF SCRUTINY	263 - 273
General	263 - 266
Committee on Delegated Powers	267 - 273
VIII     PROCEDURAL CHANGES REQUIRED BY THE COMMITTEE'S RECOMMENDATIONS	274 - 312
General	274 - 275

<u>Chapter</u>		<u>Paragraphs</u>
	THE PROCEDURE COMMITTEE'S ROLES	276 - 279
	GENERAL PROCEDURAL PROPOSALS	280 - 312
	Establishment of committees	280
	Standing (domestic) committees	281
	Committee administration	282 - 285
	Meeting times and arrangements	286 - 293
	Committee membership	294 - 295
	Opposition chairmen	296
	Chairmen's Liaison Panels	297 - 298
	Crown Privilege	299 - 302
	Protection of witnesses	303 - 304
	Television and radio coverage	305 - 307
	Secrecy of committee documents	308 - 310
	The fine details of procedural change	311 - 312
IX	ADMINISTRATION AND SUPPORT SERVICES	313 - 350
	STAFFING AND RESEARCH FACILITIES	314 - 332
	Present staffing and research arrangements	314 - 316
	Committee staffing in Britain and Canada	317 - 321
	The evidence	322 - 326
	CONCLUSIONS	327 - 332
	General	327 - 328
	Joint House Department staff	329 - 332
	HANSARD FACILITIES	333 - 340
	FINANCING PARLIAMENTARY COMMITTEE OPERATIONS	341 - 346
	ACCOMMODATION	347 - 350
X	INFORMATION ABOUT THE INQUIRY	351 - 365
	History of the Committee	351 - 355
	Membership	356
	The terms of reference	357
	The inquiry	358 - 365

<u>Chapter</u>		<u>Paragraphs</u>
XI	THE PRESENT SYSTEM OF COMMITTEES IN THE AUSTRALIAN PARLIAMENT	366 - 400
	Basic statistics	366 - 369
	The development of the committee system	370 - 374
	The Senate 1966-1975	375 - 382
	The House of Representatives 1966-1975	383 - 388
	Joint committees	389 - 391
	The need for change	392 - 393
	The functions of the Parliament	394 - 395
	The present committee workload; the effectiveness and success of committees	396 - 400
XII	THE EVIDENCE; THE EXPERIENCE OF THE SUB-COMMITTEE WHICH VISITED BRITAIN AND CANADA AND THE GENERAL CONCLUSIONS OF THE COMMITTEE	401 - 422
	General	401 - 402
	Overseas comparisons	403 - 406
	Joint committees	407 - 413
	Legislative committees	414 - 415
	Subject matter committees and committees with a financial role	416 - 419
	Conclusion	420 - 422

## A P P E N D I X E S

	<u>Page</u>
A Persons and organisations who made submissions and/or gave evidence to the Committee	131
B Number of Bills introduced in the Australian Parliament 1967-1975	135
C Bills considered by the House of Representatives in Committee of the Whole 1973-1975	137
D Bills in which Committee of the Whole amendments were agreed to, 1972 and 1975	139
E Bills referred to Senate Select or Standing Committees	141
F Analysis of legislation passed by the Australian Parliament during 1973 and 1974	143
G Public Administration Committee - Proposed Terms of Reference	147
H Extract from Public Service Act 1922-1975 (S.17)	149
I Parliamentary committees in operation on 14 May 1976	151
J A possible institutional structure of Standing Committees	153
K Notes on techniques and problems of the Committee	155
L Analysis of Senators and Members committee membership at 14 May 1976	157
M Committees of Inquiry of the Australian Parliament: 1901-1969; and 1970-1975	185
N Public Accounts, Public Works and Regulations and Ordinances Committees: Report data: 1901-1969; and 1970-1975	191

## CHAPTER I

### THE REPORT IN BRIEF<sup>1</sup>

#### Introduction

1 In order to present this report in the most comprehensible possible manner, it is important to stress two basic premises. First, all existing committees should be abolished; second, there should be separate committee systems for the two Houses.

2 During the last decade there has been rapid growth of committee activity. Committees have proliferated but there has been little concern with their integration into the parliamentary system. In 1975 there were 44 parliamentary committees. Even 44 committees gave the Parliament only a token capacity to scrutinise governmental activity and administration. Legislation was rarely studied in committee. By 14 May 1976, the 30th Parliament had appointed 38 committees.

3 The main functions of Parliament are:

- . legislation
- . oversight of the Executive
- . provision of a public forum for initiation and discussion of policy.

Performance of the first function can be aided by committees. The second function can only be carried out properly by small committees. Part of the third function can be carried out in committee.

---

<sup>1</sup> It is usual for committee reports to commence with essential but uninteresting chapters which discuss the history of the committee, the terms of reference and the conduct of the inquiry. They also provide the factual base for the opinions, conclusions and recommendations of the committee. These sections are at the end of this report at Chapters X to XII.

4           There is obvious room for improvement of the parliamentary committee system. There is a need to rationalise the system, to distribute the increasing workload amongst a carefully designed and integrated system of committees. Only through an effective committee system can the Parliament continue to perform its roles. Government administration and legislation are too complex for detailed consideration on the floor of the House.

5           The two premises given in the first paragraph are important. A number of the Committee's proposals will be opposed on historical and emotional grounds. The Public Accounts Committee and Public Works Committee have histories spanning 63 years. Some existing committees, although they do not fit into a "system", have appeal and do worthwhile jobs. Why should they be abandoned? The answer is that the work can be organised more efficiently. In many cases it is more desirable to offer new titles and jurisdictions than to patch up and amend the existing machinery.

6           There is no doubt that the Houses are different - constitutionally, historically and in practice. The Parliament is an entity; the two Houses complementary parts. So, when the Committee writes of "a new system" it must be understood that it refers to two complementary new systems which have been designed to meet the needs of the Houses and to extract maximum efficiency and performance. The system has been drawn up with careful regard to the differing strengths and roles of the Houses.

7           Although it is useful to start from the premise that all existing committees should be abolished it should be pointed out that the ensuing recommendations propose that almost half of the existing committees continue to be

reappointed. Discussion is facilitated by the premise and it has been necessary to make a conscious decision in the case of each committee which should not be discarded.

8           Implementing the recommendations will require amendment or repeal of legislation and a major re-writing of standing orders. All existing committees should continue to operate until the new system can be introduced as a whole (subject only to recommendation 23, paragraph 276). If committees have not concluded existing business by then, (perhaps the end of the year) they should be abolished and their current tasks passed over to relevant committees in the new system.

9           The report recommends the establishment of new committees and new committee techniques. Careful thought has been given to the functions and needs of Parliament and the role of backbench members. The system proposed will enable members better to fulfil their proper roles. The Parliament will be able to do its business more effectively (if not more expeditiously).

#### Legislation committees

10           The Australian Parliament has rarely used committees to consider the principles or the text of legislation. There are a number of admirable overseas practices on which our Parliament can draw.

11           It is improbable that legislation can be properly debated, comprehended or criticised without effective committee consideration. Legislation committees should be used by both Houses to consider Bills, clause by clause, after they have passed the second reading.



12 From time to time, there will be advantage in dealing with other stages of legislation in small committees. It is within the powers of the Houses to send Bills to select committees which take evidence and question general principles. These powers should be used.

13 Chapter II deals with legislation committees in detail. Ten major recommendations are made. These recommendations provide a permanent framework of legislation committees. They also propose methods of integrating the procedures of the plenums and their committees.

#### Financial scrutiny of the Executive

14 The Interim Report<sup>2</sup> of the Committee proposed that the Public Accounts Committee be expanded to include expenditure committee-type overview of executive spending. It was also proposed that the Senate continue to appoint estimates committees and that their operations be extended and upgraded. These proposals have been reviewed.

15 Chapter III recommends the appointment of a House of Representatives Standing Committee on Public Administration. Just as the British and Australian Parliaments have used a Public Accounts Committee to parallel the functions of the Auditor-General so should the Parliament use a committee to parallel the functions of those responsible for management efficiency in government.

---

<sup>2</sup> A Proposed System of Committees for the Australian Parliament. Interim Report from the Joint Committee on the Parliamentary Committee System (incorporating sub-committee report on visit to Ottawa and Westminster). Parliamentary Paper No. 275 of 1975.

16           The Standing Committee on Public Administration should incorporate the current functions of the Public Accounts Committee, the Expenditure Committee and new functions which relate to the exercise of the powers provided to the Public Service Board by Section 17 of the Public Service Act. A committee not less than 15, it should concentrate on the accounting and management practices of government. The suggested terms of reference should not permit digression from financial scrutiny to interesting policy issues.

17           Chapter III gives detailed consideration to the advantages and disadvantages of committees such as the British estimates and expenditure committees. The major drawback of such committees has been their involvement in policy issues. The recommendations are thought to avoid this drawback.

18           The role of Senate estimates committees has been considered. Detailed scrutiny of the contents of Appropriation Bills is important. Whether it is done effectively at the moment is doubtful. The quality of scrutiny can be improved by providing superior support to the estimates committees.

19           The estimates committees can also carry out another function on behalf of the Parliament - continuous scrutiny of the financial affairs of statutory and other government corporations. There need be no conflict between this function and that of the Public Administration Committee.

20           The Joint Committee on Public Works performs an important function. Its functions should not be lost to the Parliament. The Committee has recommended that these functions be absorbed into other committees.

Subject matter committees

21           The subject matter committees of the Parliament have been poorly organised. The Senate has 7 legislative and general purpose committees which are expected to cover the entire range of governmental activity. The House of Representatives has fewer committees which are of a much more specialised nature. There are several specific joint committees. The jurisdictions of the Senate committees are so broad that they are not able to adequately cover their areas. The House makes inefficient use of its members, concentrating committee attention on areas which are too narrow.

22           The Committee has considered three techniques of organising the subject matter committees of the two Houses. The Houses could have parallel systems; they could have institutional systems or they could have systems which conform to neither of these descriptions but combine the best features of both.

23           The establishment of parallel systems would no doubt lead to a lessening of the pressure on committees of each House. The risk of duplication of effort (on the part of the Parliament and those who appear before committees) is high. Unnecessary duplication could be avoided by providing both Houses with committee systems tailored to their institutional needs. Such a proposal

would involve the establishment of broad ranging generalist committees in the Senate and more specific committees in the House, perhaps oriented more towards areas of government legislation and economic and financial policy. Neither House would have full coverage of all areas of governmental activity. The work would be divided. It is improbable that any such division would ever gain majority agreement.

24 Combining the advantages of the two systems discussed above is preferred. It is proposed that the Senate maintain general surveillance over broad areas of government activity through a system of 8 standing committees. The House should maintain its capacity for inquiry not through a system of standing committees but through a permanent system of select committees. Chapter IV contains a recommendation for the appointment of a business committee of the House of Representatives. This committee should receive all petitions, tabled papers, statements, etc., plus written proposals from Members for the appointment of specific committees. At regular intervals the business committee should report to the House recommending the appointment of select committees to carry out specific inquiries on behalf of the House. These inquiries should be of a relatively short duration.

25 The report envisages a permanent standing committee system in the Senate complemented by a continuing stream of select committees in the House of Representatives. It is emphasised that committees appointed for specific tasks must not be allowed to perpetuate themselves (as existing House committees have done).

26           Whilst one of the premises stated in paragraph 1 was that all existing committees be abolished, it is obviously necessary to discuss the new committee system in the light of the functions of the current system. It is consistent with the philosophy of the report that some functions of the Joint Committee on the A.C.T. (supervision of the plan of Canberra) be transferred to a more general committee. Transfer to a Senate standing committee is proposed.

27           Statutory corporations and semi-governmental authorities must fall within the jurisdictions of the subject matter committees of both Houses. This is an area which the Parliament has not properly overseen in the past. It is an area which deserves the immediate attention of Parliament.

28           The existence of the House of Representatives Standing Committee on Public Administration will not reduce the necessity for subject matter committees in the two Houses.

#### Domestic committees

29           The Committee strongly favours the amalgamation of some of the existing domestic committees, the main roles of which are giving advice to the Presiding Officers or the Houses. There are strong arguments for the institution of a management committee of each House, such committees to advise the Presiding Officers and confer with each other as necessary. This procedure

is currently under study and likely to be instituted shortly in the Canadian Parliament.

30           The Senate has rarely had time to give detailed consideration to administrative and procedural matters. The record of the House of Representatives is worse. The Standing Orders Committee of the House has met only 11 times in the last 10 years. As the nature of government changes and the functions of the Parliament develop it is important that procedures also adapt and change. The Standing Orders Committees do not appear to be able to meet that need. Standing committees to continually assess the procedures and practices of the Houses should be established. The first tasks of these committees could be to prepare standing orders and legislation to give effect to the recommendations of this report.

#### Select committees

31           From time to time each House has need to appoint select committees to carry out specific tasks. The use of select committees to consider the principles of legislation has already been discussed (paragraph 12). It has been proposed that the House of Representatives make greater use of select committees to provide it with a continuous committee oversight of areas of interest or matters of concern (paragraphs 24 and 25).

32 Chapter VI also discusses the need for the government to foster parliamentary committee consideration of its proposals. The presentation of white papers and green papers should be encouraged.

Miscellaneous committees of scrutiny

33 Each House has committees which can only be conveniently described as miscellaneous committees of scrutiny. Chapter VII contains recommendations relating to such committees.

34 The functions of the Senate Regulations and Ordinances Committee are important and should be retained. The committee to take over the functions of the Regulations and Ordinances Committee should have an expanded jurisdiction which meets the growing need to oversee the application of all delegated powers.

35 The Publications Committees of the two Houses are empowered to sit jointly and carry out inquiries as a joint committee. This function should be taken over by the Public Administration Committee or the relevant standing or select committees. It is unnecessarily luxurious for the Parliament to maintain a committee of 14 members specifically charged with inquiring into matters relating to government and parliamentary publishing.

### Procedural change

36           Implementing the recommendations of the report will involve major amendment to the procedures and practices of the Houses. The detailed development of new procedures should be the task of expert committees of the two Houses. The refinement of new procedures should be the first tasks of the new Procedure Committees.

### Administrative and support services

37           The effectiveness of a parliamentary committee depends substantially upon the quality of staffing. Notwithstanding current restrictions on government expenditure, the Committee maintains that it is a false economy to degrade committee support services.

38           Chapter IX deals with staffing and research. It proposes that committee secretariats and the resources of the Library be reassessed.

39           There are good reasons for committees drawing on external consultants and advisers. There will always be occasions when the resources of the Public Service, business and the universities should be tapped by parliamentary committees. Although these other sources of research and advice should be freely available it is still necessary for committees to maintain independent secretariats staffed by professional officers of the Parliament.



40           The provision of ancillary support services by Hansard and other parliamentary departments has not kept up with technological change. There are long term economies to be gained by using more modern and efficient methods of producing committee transcripts and reports. No specific recommendations are made because this is an area where technical expertise is required. It is a matter for the Presiding Officers to seek advice.

#### Acknowledgements

41           The Committee wishes to place on record its appreciation of the assistance it received from members and officers of the Australian, British and Canadian Parliaments. Robert Fortier and Alistair Fraser (Clerks of the Canadian Houses) and Sir Peter Henderson and Sir David Lidderdale (Clerks of the British Houses) made their services and officers freely available to the sub-committee which visited Britain and Canada. Kenneth Bradshaw of the British House of Commons and Bob Virr and Michael Kirby of the Canadian House of Commons were of great assistance to the sub-committee. The Committee also records its appreciation of the efforts of House of Representatives staff involved in completing the report against a tight deadline.

## CHAPTER II

### LEGISLATION COMMITTEES

#### DISCUSSION

42 Each year, 150 or more Bills are introduced in the House of Representatives.<sup>3</sup> In each case there is a general debate on the principles (second reading debate). On about 25% of occasions there is detailed discussion of the text (in Committee of the Whole).<sup>4</sup>

43 Immediately after the second reading in the House of Representatives any Member may move that the Bill be referred to a select committee. The House of Representatives only once agreed to such a motion (Bonuses for Manufactures Bill 1901).

44 The procedures of the Senate differ in a number of ways. The Senate may hold a general debate on the first reading of money and taxing Bills.<sup>5</sup> Any Bill may be referred to a standing or select committee, after second reading. This practice is used occasionally. The Senate may not waive the Committee of the Whole stage. In many cases there is no effective debate but the formal procedure is still carried out.

---

<sup>3</sup> Appendix B shows the number of Bills introduced in each House in recent years.

<sup>4</sup> Appendixes C and D show: C - the number of Bills considered in Committee of the Whole by the House of Representatives; D - the number of Bills in which committee amendments were agreed to in the Senate and the House of Representatives in 1972 and 1975.

<sup>5</sup> Senate standing order 190 states that the rules of relevancy do not apply to the debate on the first reading of "Bills which the Senate may not amend". These are the only Bills on which any debate occurs on the first reading. Section 53 of the Constitution states that the Senate may not amend taxing Bills or Bills appropriating revenue or monies for the ordinary annual services of the government.

45           The Committee of the Whole stage is used more by both Houses for the purpose of continuing general debate on the policy of legislation rather than to permit careful clause by clause analysis. Governments rarely accept textual amendments to their Bills. In 1972, 7% of Bills were amended in the House of Representatives and 1% were amended or further amended in the Senate. The rate of amendments in 1975 was substantially greater. The House amended 13% of Bills and the Senate amended or further amended 11%. The majority of amendments in both years, however, were government sponsored amendments. A division of amendments into those moved by Ministers and those moved by the opposition or government backbenchers produces a somewhat different picture. In the House of Representatives non-government amendments were accepted in 3% of Bills in 1972 and in 4% in 1975. In the Senate non-government amendments were accepted in 1% of Bills in 1972 and 7% in 1975. Thus, it can be seen that a very small proportion of government legislation is amended in Committee of the Whole on motion from the opposition or government backbenchers (see Appendix D for data).

46           It is highly likely that more amendments would be acceptable to governments if committee deliberation was less formal and more flexible. In legislation committees the government would not appear to lose face in accepting amendments to its legislation. The closer quarters and less theatrical circumstances should facilitate discussion and compromise.

47           Since 1934 Senate standing order 196A has provided for the Senate to refer a Bill to a standing or select committee after the second reading. This procedure has been used on 7 occasions. The 5 committees which returned Bills to the Senate took an average of 13 weeks to report.<sup>6</sup> Whilst the Senate has this capacity to obtain detailed committee

---

<sup>6</sup> Appendix E contains a list of such Bills. Note - 2 committees did not report due to dissolution.

consideration of legislation it does not have committees which are purely debating bodies. The Senate committees to which Bills are transmitted take evidence and produce reasoned reports. The introduction of legislation committees in the Senate would not take away the effect of standing order 196A but would add a new dimension to consideration of legislation.

#### The Evidence<sup>7</sup>

48 Most witnesses agreed that the Parliament, especially the House of Representatives, should amend its procedures to permit more effective discussion of legislation. The Committee of the Whole stage is not the best method of scrutinising the detail of legislation.

49 It was suggested that legislation committees would improve the standard of legislation passed by the Parliament and enable the Parliament to devote more time to other important matters. The plenum would become "the great forum" and the committees would be the workshops.

50 There was no unanimity amongst witnesses when it came to the details of establishing such committees. It is clear that there are many views, equally strongly held, on what constitutes a desirable system of legislation committees. Important components of the various attitudes included proposals that:

- (a) legislation committees should be miniatures of the Committee of the Whole;
- (b) legislation committees should take evidence and carry out detailed investigation.

---

<sup>7</sup> Transcripts of public evidence are available from the National Library, Australian Archives and the Parliamentary Library.

51           The arguments for both cases have merit. It has been suggested that one reason for Committee of the Whole proceedings being less than satisfactory is that the Minister is often unable to confidently supply technical answers or argue abstruse points of drafting because his consultation with advisers is inhibited by the procedures of the committee.

52           On occasion there is a need for one or both Houses to consider the text of legislation in the light of commentary by departmental officers and other interested and informed persons. Whether such commentary should be permitted concurrently with the committee's deliberations on the clauses is less certain.

53           There is no doubt that legislation committees should meet in public and that their proceedings should be reported by Hansard. Under these circumstances it would not be appropriate for their debates to be interspersed with questions and answers to persons who are not members of the House. If the House wants the Bill to receive more effective consideration then it should be sent to a committee which debates it. If the House is uncertain about the principles of the legislation then it should send the Bill to a committee which reconsiders the policy. In the opinion of the Committee these are different issues and require different procedures.

54           How many committees there should be, their size, when and how they should meet and what sorts of Bills they should deal with were also issues on which eminent witnesses differed.

55           The Clerk of the House of Representatives envisaged legislation committees which would only deal with the major Bills introduced each year.

56 A former officer of the House, Professor Gordon Reid,<sup>8</sup> suggested that 3 or 4 permanent committees of 10 or more members would discourage "bulldozing" of legislation.

57 A former Member of the House of Representatives, Mr Marshall Cooke argued for a system of Bills committees, each of about 12 members, which would simultaneously deal with all the legislation before the House.

58 The former Speaker of the House of Representatives, the Hon. G.G.D. Scholes, M.P., proposed 4 committees with as many as 21 members. He thought the Chairman of Committees of the House of Representatives could have a special role as chairman of these committees, appointing deputies from time to time. He suggested that reference of Bills to legislative committees should be automatic unless objections were made by at least a quorum of the House, or by a Minister, a Party Leader, or his Deputy.

59 The Committee also heard a proposal that committees, perhaps joint, deal with legislation prior to its introduction in the Parliament.

60 The Committee heard evidence supporting the establishment of a permanent House of Representatives committee to deal with tariff matters. It is acknowledged that at present the House does not have adequate procedures for scrutinising customs and excise tariff proposals and the Committee has given a great deal of consideration to whether such scrutiny could be incorporated within a system of legislation committees.

---

<sup>8</sup> Professor G.S. Reid, Professor of Politics, University of Western Australia.

61 To assist in its evaluation of conflicting opinions the Committee studied British and Canadian practice.

Standing committees of the British House of Commons<sup>9</sup>

62 The British House of Commons has several types of legislative committees. All Bills are referred to so-called "standing" committees after the second reading stage. In these committees, debate is carried out as if in the Committee of the Whole. No evidence is taken. Standing committees may also be used to take the second reading stages of Bills (in July 1975, seven Bills were before "standing" second reading committees). Select committees are appointed to consider the text and policy of legislation which has passed its second reading stage - a "second look" technique. Select committees are also used to consider the implications of legislative proposals and to make recommendations to the government on the policy and text of legislation to which it is committed but has not yet drafted.

63 Any number of standing committees can be appointed. Each one is designated by a letter of the alphabet. About 60 or 70 Bills are sent to standing committees each year. The committees have between 16 and 35 members with quorums of one-third.

64 The Committee of Selection appoints members to standing committees. It takes cognisance of the advice of the Whips, but there is no appeal against its decisions.

---

<sup>9</sup> The term "standing committee" is confusing. When a standing committee has dealt with a Bill it is dissolved. As each Bill passes the second reading stage in the House a new standing committee is established and a new membership appointed. The name of the standing committee (e.g. Standing Committee D) may be one that has been used previously. Also see paragraphs 13-23 and 106-114 of the Interim Report (Parliamentary Paper No. 275 of 1975).

65           The chairman of each standing committee is nominated by the Speaker from the Chairmen's Panel - a panel containing an equal number of government and opposition backbenchers. The chairman of a standing committee has many of the powers of the Chair in the House. He can select and group amendments and choose whether or not to accept certain motions.

66           In some cases the Law Officers and/or relevant Ministers are entitled to attend standing committees and to participate in debate. If they have not been nominated in the membership of the committee they are not entitled to vote or to be counted in quorums. One of the Ministers in charge of a Bill is normally appointed to the standing committee dealing with his Bill.

67           It is not unusual for a Minister in charge of a Bill to request opposition or government members to withdraw their amendments offering them an assurance that the government will draft amendments to meet their objections. Unlike the legislative and general purpose committees of the Senate, British (and Canadian) committees make actual amendments to the text of legislation and present a new Bill to the House as a whole. The British committees do not give reasons for their amendments although the Hansard reports of their debates are freely available.

68           Standing committees sit during sittings of the House but are not permitted to meet between 1 p.m. and 3.30 p.m. on a sitting day (so that there is no conflict with Question Time).

69           The House of Commons may send the second reading debate of a Bill to a standing committee. Ten days notice must be given for a motion to send a Bill to a standing committee for second reading. When the notice is called it



can be blocked if more than 20 members object. It can be seen therefore that the House must be near unanimity before it adopts this procedure. The standing committee does not produce a reasoned report - its report merely recommends or opposes the House giving a Bill a second reading. There is no debate on the committee's report. The question "That the Bill be read a second time" is put automatically and without debate.

70           The sub-committee which visited Westminster was favourably impressed by the standing committees of the British House of Commons.

#### Standing committees of the Canadian Parliament

71           The Canadian Senate and House of Commons both have functional standing committees. It is normal for the Houses to refer Bills to these committees after second reading. The membership of the standing committees is determined by Committees of Selection (the House of Commons committee is known as the Striking Committee). Subsequent changes of committee membership may be made at the direction of the Whips (see paragraph 74).

72           The Canadian House of Commons has 18 standing committees; 13 of which align with identifiable areas of governmental activity and administration. Three others with more general roles also deal with Bills. The committees have memberships of 20 or 30. They are chaired by government members. They also deal with departmental estimates and general inquiries (on reference from the government or the House).

73           The second reading motion specifically commits the Bill to a nominated committee. The committee may take evidence on the general issues involved in the legislation; it may discuss the general text of the Bill and it may debate the Bill clause by clause and amend the text.

74           The Canadian House of Commons has developed rules to enable the membership of committees to change as the business before the committees changes. The rules were initially established to permit members with a particular interest in a specific Bill to take part in the proceedings of the committee dealing with that Bill. The membership of a committee can be changed simply by notification from the Whip. However, the multiple business before committees has created problems for the smooth operation of this system, and in the long run these techniques have operated not so much to enable members to be on committees for Bills in which they are particularly interested but more to enable parties to maintain their relativities. The sub-committee which visited Ottawa in 1975 established that in each year there are many thousands of committee membership changes - many of these being changes made to secure a majority in a vote rather than to facilitate expert debate.

75           Canadian Senate committees are not very different to the committees of the Commons. They also have multiple roles. They may also be empowered to consider Bills which are still before the House of Commons. By resolution of the Senate Bills which are not yet in the formal possession of the Senate (but are public documents) may be referred to Senate committees for consideration. Committees of Senators are able to satisfy themselves about the principle and detail of legislation before it reaches the Senate.

76           The Canadian Senate does not usually consider legislation in the same detail as the lower House. It would be unusual for legislation to be extensively amended or to be rejected. The constitution of the Canadian Senate - all of its members are appointed - renders comparisons with the Australian Senate inappropriate.

Procedural arrangements in Britain and Canada

77           Procedural and administrative arrangements in the British and Canadian lower Houses differ from the House of Representatives. Bills are normally referred to standing committees rather than Committee of the Whole. The British and Canadian Parliaments pass fewer Bills than the Australian Parliament.<sup>10</sup>

78           Report proceedings differ between Britain and Canada. In Britain the only questions before the Chair on report are that the report be agreed to or that specific amendments be made to the Bill as it has come from a standing committee. There is no opportunity for the House as a whole to undertake a clause by clause consideration of the Bill. It is within the power of the Chair to not allow members to move amendments which have already been considered by standing committee although it is most improbable that this discretion would be exercised in the case of a government amendment. In Canada the Speaker also has certain powers which distinguish him from the President and Speaker in Australia. At the report stage the only questions which can be put are on amendments to the Bill as it has come from committee. Whilst the Chair's discretion extends to the scheduling of amendments it does not extend to selection.

---

<sup>10</sup> See paragraphs 88-90 and Appendix F for detailed discussion.

79 The British and Canadian practices permit a small and workable number of interested members to give detailed attention to the text of legislation. They discourage extensive debate on the principles of legislation which has already passed the second reading stage. Both systems, but more notably the British system, rely heavily upon an understanding that it is possible for a bipartisan committee to improve legislation without interfering in the policy of the government and without the government considering that its prestige is at stake.

RECOMMENDATIONS<sup>11</sup>

COMMITTEES TO DEAL WITH COMMITTEE OF THE WHOLE STAGE

Appointment of Legislation Committees

Recommendation 1

80 It is recommended that standing orders be amended to provide for the appointment of legislation committees to consider Bills, clause by clause, after they have passed the second reading.

81 The weight of evidence supports the establishment of committees to consider legislation. Evidence was evenly divided on the question of whether the committees should be permanent or whether their membership should be determined Bill by Bill. Opinion was divided on whether committees should take evidence or reflect the proceedings of the Committee of the Whole. In the main the proposals put to the Committee referred to the House of Representatives rather than the Senate.

82 The argument has been put that the Senate does not need an additional technique to assist it in considering legislation. The membership of the Senate is smaller than that of the House. The procedures of the Senate and the manner in which it deals with its business are different (for example,

---

<sup>11</sup> Unless the contrary is specified, ensuing recommendations relate to both Houses.

ministerial second reading speeches may be incorporated in Hansard in the Senate). Few Bills are initiated in the Senate. For these reasons it has been suggested that the needs of the Senate differ from those of the House. Notwithstanding that this argument is clear and is generally accepted the Committee feels that its recommendations provide another desirable technique of dealing with legislation. For that reason, the Committee directs its recommendations to both Houses although it appreciates that the need for the Senate to make use of legislation committees is not as great as it is for the House.

83            Legislation committees should normally only be appointed to deal with Bills in the House in which they are initiated. The number of committees in existence at any time will depend upon the workload. It is not envisaged that the House of Representatives would need to refer more than 40 or 50 Bills to legislation committees in each year.<sup>12</sup> The number of Bills referred to legislation committees in the Senate is expected to be small. It is possible that the Senate may not wish to use the committees at all. Although there may be little need for the Senate to use the system there is still obvious advantage in incorporating into Senate procedures a technique which is potentially useful.

84            Adoption of this recommendation by the Senate will enable it to refer Bills to legislation committees for the purpose of clause by clause debate but will not prevent the exercise of standing order 196A. The House of Representatives will maintain the capacity to refer a Bill to a committee for investigation and report as well as for clause by clause debate (standing order 221). These practices should not be confused. Sending a Bill to a committee for investigation and the taking of evidence is in no way similar to sending a Bill to a committee for debate on its text.

---

<sup>12</sup> See Appendix F.

85           Insofar as it is practicable, legislation committees should operate in the same manner as British House of Commons standing committees.

86           There are a number of reasons for preferring the British to the Canadian House of Commons legislation committee system:

- (a)   British committees do not have competing priorities;
- (b)   committee membership can be tailored to the particular Bill;
- (c)   "professional" chairmanship facilitates adequate consideration of all aspects of the Bill;
- (d)   it is preferable to have the Minister as a member of the committee rather than as a witness;
- (e)   the British system, by providing different types of committees for different stages of legislative consideration enables committee's procedures to be appropriate to the work which they are doing;
- (f)   it is necessary for Canadian committees to have rules which facilitate membership changes. Unfortunately such rules are detrimental to the efficient operation of committees.

87           The Committee does not favour legislation committees taking evidence.<sup>13</sup> It is pointed out that they have advantages over the Committee of the Whole in that it is much simpler to suspend or adjourn their proceedings in order to permit Ministers or opposition leaders to be briefed or so that redrafting or further negotiations can take place. It is not feasible to do this in the Committee of the Whole.

---

<sup>13</sup> See paragraphs 51-53.

88            Analysis of the quantity of legislation dealt with in Britain, Canada and Australia might, at first glance, appear to render British or Canadian committee consideration of legislation inappropriate to the Australian Parliament. The British House of Commons of 635 members passes 80 Bills each year. The Canadian House of Commons of 265 members passes about 50 Bills each year. The Australian House of Representatives has 127 members and considers, on average, more than 150 Bills in a year. The obvious conclusion to be drawn from these data is that the Australian Parliament does not have the capacity to give effective consideration to its legislation, regardless of whether it uses a new committee system or not. However, there is a qualitative difference between the legislation dealt with in the different Parliaments under discussion. In Britain, especially, minor legislation is more likely to be dealt with by regulation and government Bills are more usually of major importance and substantial in size and extent.

89            In order to test this proposition the legislation passed by the House of Representatives and the Senate in 1973 and 1974 has been categorised (see Appendix F for detailed categorisation and analysis). 18% of 1973 and 1974 Acts could be categorised as being of major importance. These represented 31% of the number of pages in the Acts volumes of those years. 82% of 1973 and 1974 Acts were categorised as minor legislation. These represented 69% of the contents of the annual Acts volumes. Of almost 400 Acts passed into law in 1973 and 1974 only 71 (18%) could be categorised as being major pieces of legislation comparable to the legislation dealt with by the British House of Commons standing committees.

90 Legislation committees will slow down the passage of individual Bills. Although it will normally take longer to obtain the passage of more important Bills the Committee has determined, on the basis of the analysis discussed above, that the total legislative program for a year will not be seriously delayed. The concurrent nature of multiple committees will enable the House to deal with the same number of Bills as it does now. Slowing down the legislative process for individual Bills has an added advantage in that it permits greater public debate of their contents and the formation of public opinion. Members will have the advantage of the feedback which they receive in their electorate before they finalise committee consideration.

#### Committees of Selection

##### Recommendation 2

91 It is recommended that standing orders be amended to provide that at the commencement of each Parliament a Committee of Selection be appointed in each House. Membership of each committee should not exceed 7, of whom 6 members should be nominated on a proportional basis by the party leaders. The Chairman of Committees should be, ex officio, the chairman of the Committee of Selection.

92 The discretion granted to the British House of Commons Committee of Selection is considerable. In Australia and Canada the parties control appointments to committees. Whether a Committee of Selection would work in the Australian Parliament is uncertain. It is a departure from present practice. However, the Committee has heard no opposition to the subsidiary recommendation in its Interim Report (paragraph 108) which recommended the appointment of a Committee of Selection.



93 The powers of the committee should include appointment of all members of legislation committees, such appointments to be made no more than two sitting days after a Bill has been referred to a legislation committee. The Committee of Selection must consult party leaders and Whips. Appointments should be notified to the relevant House at the first available opportunity. Provision must be made to enable any member to move a motion disputing a decision of the Committee of Selection, such motion to be dealt with immediately, debate on the motion being of limited duration.

94 Providing for a challenge is a significant variation from the British pattern. The opportunity to challenge a decision of the Committee of Selection could, if abused, lead to the failure of the committee. Nevertheless, it is an important and necessary safeguard.

#### Ministerial participation

95 Canadian committees call the Minister to give evidence. He is normally accompanied by a number of departmental officers. The Minister answers questions of policy and the departmental officers answer questions of fact. The recommendations of this report do not provide for evidence to be taken. It is therefore important that the relevant Minister and the opposition member in charge of a Bill be members of a legislation committee. House of Commons standing orders do not refer to the necessity for the Committee of Selection to appoint Ministers and opposition spokesmen to committees. However, they make provision for Ministers to participate in the proceedings of committees of which they may not be members. To some extent this is because many departments of state have more than one Minister. This is not the case in Australia where it is possible to nominate a specific Minister, by portfolio, when the Committee of Selection names a legislation committee.

96 The standing orders should require the Committee of Selection to appoint to each legislation committee the relevant Minister and Opposition spokesman.

Reference of Bills to legislation committees

Recommendation 3

97 It is recommended that standing orders be amended to provide that a motion to refer a Bill to a legislation committee be on notice and that the Chair should refuse to proceed with the motion if, on the calling of the notice, it is objected to by one-sixth or more of the total membership of the House rising in their places to signify that they do not wish the motion to proceed to a vote.

98 Proposing that a motion to refer a Bill to a legislation committee could be blocked by a small proportion of the House is deliberately and obviously directed at the protection of minority interests. It should be remembered that not all legislation which is before the Parliament is subject to party discipline. In this case it is even more important that minorities have the opportunity to use the forum of the plenum to discuss the text of legislation. For this reason the Committee does not favour granting the power to block references of legislation to party leaders and Ministers ex officio and a quorum is too large a proportion. A considerable minority view need not amount to a quorum.

99 The Clerk of the Senate suggested that Section 23 of the Constitution may prevent the use of such a technique in the Senate. The Committee takes issue with this opinion. The logical extension of this argument would be to make any refusal of leave or any provisions for granting leave in the Senate equally unconstitutional. This device is not like voting on a substantive question. It is a condition which has to be met before a motion can be put. It is not unlike the

rules relating to matters of public importance. The procedure proposed would be no more unconstitutional than the existing provisions for the granting of leave or for matters of public importance to be discussed.

100 Although the recommendation has been drafted to enable a minority group to prevent a Bill from going to legislation committee it is stressed that this is a reserve power which should only be used sparingly. The success of legislation committees will depend to a great extent upon the co-operation of the government and opposition business managers. It is essential that they be in agreement on the question of referring major Bills to legislation committees. Otherwise it is likely that a desirable technique will fail.

#### Chairmen of British legislation committees

101 The chairmen of the British legislation committees are drawn from a panel selected by the Speaker. The panel contains members from both sides of the House who are expected to carry out their functions with the same level of impartiality expected of the Speaker or the Chairman of Ways and Means.

102 The House of Commons chairmen do not exercise a deliberative vote and there are carefully defined conventions relating to the exercise of their casting vote. The conventions require chairmen to preserve the Bill in the form in which it is transmitted to the committee and to protect the committee's right to properly debate it. The chairman has the power to select and schedule amendments. This power is given to permit better organisation of the work of the committee and to prevent repetition of debate on similar amendments. Between 50% and 60% of all amendments of which notice is given are selected for debate.<sup>14</sup>

---

<sup>14</sup> Griffith J.A.G. - Parliamentary Scrutiny of Government Bills. Allen and Unwin, London, 1974.

103 The system appears to work well. The chairman does not become involved in debate and is heard only on questions of order. In exercising his discretion the chairman may refuse to permit a closure motion to be moved (in order to permit full debate on a clause). In 1970-71 37 closure motions were proposed in standing committees. On 10 of these occasions the chairman refused to allow the motion to proceed.<sup>14</sup>

Chairmen of Australian legislation committees

Recommendation 4

104 It is recommended that standing orders provide that legislation committee chairmen be chosen from the Deputy or Temporary Chairmen of Committees. The appointment of the chairman of each legislation committee should be the responsibility of the Chairman of Committees. General matters of committee management should also be under the control of the Chairman of Committees.

105 The Deputy Chairmen of Committees in the House of Representatives and the Temporary Chairmen of Committees in the Senate presently relieve the Chairman of Committees in the plenum. In so doing they have all the authority of the Chairman of Committees and are expected to exercise that authority with the same level of impartiality required of the principal occupants of the Chair.

106 There will probably be a need for the Presiding Officers to enlarge their panels of Deputy and Temporary Chairmen of Committees.

107 It is not proposed that the chairmen of legislation committees in the Australian Parliament have all the discretionary powers of the chairmen of British committees. However, it is important that they act impartially and exercise their casting vote to preserve the legislation as it was

<sup>14</sup> Griffith J.A.G. - Parliamentary Scrutiny of Government Bills. Allen and Unwin, London, 1974.

introduced or to preserve the right of the committee to debate the legislation. Chairmen should have the power to group amendments in such a way that similar amendments could be debated together. This in no way detracts from the right of a Senator or Member to propose an amendment.

108        There will need to be separate notice papers for legislation committees so that proposed amendments can be published in advance.

Committee membership; quorums

Recommendation 5

109        It is recommended that House of Representatives standing orders provide that legislation committees be of not less than 13 members and not more than 19 members, excluding the chairman and that a quorum be one-third.

110        British practice is to appoint standing committees on which the parties have proportional representation. Normally minority party members are accommodated at the cost of the official opposition as it is not acceptable that the government should lose its majority on such committees. In each Parliament the proportions of the parties will be different. A committee of 13 in this Parliament might contain 8 government and 5 opposition members. In the last Parliament a ratio of 7 to 6 would have been more fair. Flexibility is necessary, especially as there are three principal parties to be represented.

Recommendation 6

111        It is recommended that Senate standing orders provide that legislation committees be of not less than 6, excluding the chairman and that a quorum be one-third.

112 This recommendation reflects the present state of the Senate and the present practice of the Senate when it appoints committees - government and opposition being equally represented.

Recommendation 7

113 It is recommended that the standing orders provide that a legislation committee's proceedings may be suspended at any time by the chairman if the members present do not constitute a quorum.

114 A quorum of one-third is in line with the practice in the Committee of the Whole. It is doubtful if a proper debate could take place in legislation committees if attendance fell below the quorum.

115 The British standing committees are larger than the legislation committees recommended for this Parliament. Notwithstanding this difference, the Committee commends to the parties the practice of appointing Whips in each legislation committee and of organising the business of committees so that divisions, if necessary, can be held at known times. The Committee sees little purpose in aiding and abetting the continuing use of the "ambush" system of calling divisions and quorums which prevails in the plenums. The Committee has recommended the establishment of legislation committees to improve the scrutiny of legislation. It is considered improper that members of legislation committees use procedural devices and ploys in the manner in which they are used in the Houses.

Other members; amendments

Recommendation 8

116 It is recommended that standing orders provide that the chairmen of legislation committees be entitled to permit any members of their House to speak in debate. It would not

be proper for those who are not members of the particular committee to move motions or amendments. But the Committee sees no reason why members of the House who are not members of a particular committee should not put amendments on the Notice Paper in the expectation that a member of the committee might wish to sponsor the amendments. Supernumerary members would get last preference in obtaining the call and would not be permitted to vote or be counted in quorums.

117 This recommendation is designed to meet a criticism which can always be levelled at a committee - that no microcosm can be totally representative. It is possible that occasionally members who are particularly interested in a Bill will not be appointed to legislation committees. This recommendation will remedy that problem.

118 The Committee has already noted that special Notice Papers should be issued for legislation committees (paragraph 108). It will be useful for these Notice Papers to contain amendments which members propose to move in committees. The practice of placing amendments on notice rather than moving them from the floor of the committee is strongly commended. Legislation committee notice papers should also make provision for recording any possible amendments proposed by a member who is not on the relevant legislation committee. If such a member is unable to find a colleague on the committee who is prepared to sponsor his amendment then the procedure envisaged in paragraph 116 may still permit him to argue in favour of it, at the discretion of the Chair.

119 The Committee anticipates that House of Representatives legislation committees will wish to meet during sittings of the House. Such meetings should be specifically authorised by the House. This procedure is designed to prevent the business of legislation committees being disrupted by proceedings in

the House (such as the calling of quorums). If sufficient legislation committees are carrying out business concurrently the House should suspend its sitting as the Senate does with its estimates committees.

Report stage

Recommendation 9

120 It is recommended that Bills be reprinted, if amended, before they are reported to the House and that the report of a legislation committee not contain argument. On receiving a Bill on report from a legislation committee the Presiding Officer shall automatically propose the question "That the Bill, as reported, be agreed to". Debate on this question shall be adjourned immediately. On resumption of debate it will be proper for the Presiding Officer to accept motions on notice which have the effect of making amendments to the text of the Bill which has been reported. The Presiding Officer shall call the motions of which notice has been given in an order which he determines and, unless it is moved by a Minister, shall have the discretion of not calling a motion for amendment if it is substantially the same as an amendment already negatived in legislation committee. After all such motions have been moved the main question put from the Chair will be "That the Bill, as reported (and further amended at this sitting), be agreed to". The third reading stage will then follow.

121 British practice does not permit members to move amendments in the House if they have already been negatived in legislation committee. Canadian practice permits it within certain limits. This Committee can see little justification for the establishment of legislation committees if the House is able to reconsider in detail those issues which the committees have already determined.



122 The procedure to be adopted should protect the House from repetition of the debate which was held in legislation committee. But it should not deny members the right to raise new issues or deny the government the right to make further amendments to Bills (perhaps, in order to meet undertakings given in legislation committee).

#### COMMITTEES TO DEAL WITH OTHER STAGES OF LEGISLATION

123 The Committee believes that it is undesirable to establish committees which have multiple roles (dealing with different stages of legislation or with different kinds of subject matter). The British House of Commons uses separate committees for each stage of a piece of legislation. Both of our Houses should permit consideration of legislation by committees established for specific stages (such as pre-legislative inquiries, post-second reading reassessment inquiries, or Committee of the Whole stages).

#### Pre-legislative committees

##### Recommendation 10

124 It is recommended that governments adopt the practice of presenting to the House of Representatives Green Papers and White Papers relating to proposed legislation. Papers presented in this way might often be suitable subjects for select committee inquiry. It is expected that in some cases the government will immediately move for the referral of such papers to select committees. On other occasions it is anticipated that the business committee (see Chapter IV) will consider the documents and make recommendations to the House on the desirability and value of select committees being appointed to consider them. These arrangements are amplified in Chapter IV (paragraphs 213 to 215).

125 A number of witnesses, including the then Prime Minister, Mr Whitlam, and several of his Ministers proposed that the Houses use committees to consider legislative proposals of a draft nature: that the government could submit green papers to select committees for comment on the form (or the desirability) of future legislative action. This practice would be useful in the case of legislation on social issues and on new areas of government interest in which there were no pre-determined party policies.

126 The British Parliament uses this practice occasionally. Pre-legislation committees are also used in cases where the government has a definite policy but has no particular preference on the method of implementation of the policy. An example of such a committee is the British Select Committee on Wealth Tax. Such a committee can draw up guidelines for the preparation of legislation which take into account the views of all affected parties. Therefore, it is possible to avoid introducing legislation which is ill-considered or does not take into account the reasonable objections of large groups of affected persons. The government does not lose face as it might if dramatic and substantial amendments were made to its Bill and it gains the advantage of presenting a Bill which reflects the views and conclusions of members from both sides of the House.

Select committees to consider Bills after  
the second reading

127 The standing orders of both Houses provide for the reference of Bills to select or standing subject matter committees after the second reading.<sup>15</sup> The Senate has used this practice on 7 occasions.<sup>16</sup> The House of Representatives has never used it.

---

<sup>15</sup> Senate standing orders also permit reference of a Bill to committee without any second reading debate (standing order 195A).

<sup>16</sup> See Appendix E.

128        The relevant standing orders of the Senate and the House of Representatives (196A and 221, respectively) do not require any amendment. What is required is an amendment to the attitude of the government and the Houses. On occasion there is value in a committee further pursuing particular policy aspects of a Bill before it goes to clause by clause consideration. The practice should be encouraged.

#### Private Members' Bills

129        Other than in the early years of Federation, private members' Bills have been rare. They are most unlikely to be properly debated let alone be successful. The establishment of an effective legislation committee system might encourage private members' Bills. The British House of Commons has a standing rule to the effect that one of its standing committees must give priority to private members' Bills.

130        No member of the Parliament made a submission to the Committee protesting that the Parliament did not deal adequately with private members' legislation. No member of the Parliament has protested that the Interim Report contained only one three line paragraph which referred to private members' Bills. If this is indicative of general lack of interest amongst Members then there would seem to be little point in establishing the machinery to permit private members to present their Bills and get a hearing. On the other hand, if there is no great clamour to present private Bills, it is hardly likely that establishing the machinery will create administrative or procedural problems.

131        Houses might establish one legislation committee to deal with the second reading and committee stages of private members' Bills. Provision could be made in the procedures of the Houses for a brief period to be available to private members each week to present Bills for first reading.

132 The Committee would be loath to see a flood of private Bills creating excessive pressures on a committee system established to deal with government legislation. Therefore, private members' Bills should be dealt with in the order in which they are introduced and by only one committee at a time. The membership of the committee should be revised for each new Bill. A day or half-day could be set aside on 2 or 3 occasions each year for each House to take the report stages of private members' Bills reported back from legislation committee.

#### Tariff proposals

133 The Committee has recommended that legislation committees should be constituted for each Bill. Accordingly it would be inconsistent and inappropriate to suggest a permanent legislation committee to consider tariff proposals. The alternative, to include consideration of tariff proposals and I.A.C. reports within a system of standing subject matter committees has obvious merit. However, the Committee has concluded (see Chapter IV) that the House should not establish a system of permanent standing subject matter committees. It is preferable to appoint select committees to do specific jobs when necessary. In Chapter IV the Committee discusses the establishment of a business committee. This committee is to carry out a sifting process - reporting to the House on any matters which it thinks require select committee type consideration. It is proposed therefore that tariff proposals and I.A.C. reports be included amongst the material sifted by the business committee.

## CHAPTER III

### FINANCIAL SCRUTINY OF THE EXECUTIVE

#### DISCUSSION

134 Traditionally, Parliaments are the watchdogs of the exchequer, the protectors of the public purse. This is enshrined in Section 83 of the Constitution which states that no money shall be drawn from Treasury without the authority of parliamentary appropriation.

135 The need for the legislature to exercise adequate scrutiny of the executive on financial matters is self-evident. This need has become more apparent in the post-war years which have witnessed large increases in the growth of the public sector both in Australia and other parliamentary democracies.

136 The genesis of parliamentary scrutiny of government accounting and financial arrangements is well documented. The British House of Commons appointed a Public Accounts Committee in 1861, some 5 years prior to the appointment of an official Auditor-General. The principal function of the Public Accounts Committee was to provide the Parliament itself with the capacity to audit the books of the executive.

137 The Public Accounts Committee of the Australian Parliament has the same basic function. But over the years its chairmen and staff have suggested that it has broader powers than its British counterpart. They have put the view that section 8(c) of the Act empowers them to carry out "efficiency audits".

138 Although the need for parliamentary scrutiny of public expenditure has grown, the task has not been performed effectively. Although committees have been established to do

the job, the scrutiny of public expenditure by the Senate estimates committees, the Public Works Committee and the Public Accounts Committee has been spasmodic and unco-ordinated.

139 The House of Representatives has not fulfilled its role of financial scrutiny. In part this role has been assumed by the Senate through its estimates committees. But whilst these committees have a useful function they have been restricted by time limits and the lack of full-time research staff.

#### The Public Works Committee

140 The Public Works Committee examines any proposed public work anticipated to cost more than \$2 million.<sup>17</sup> It is required to ascertain the necessity for the work, the advisability of carrying out the work and the most effective use that can be made of the funds that can be expended on the work. At present the Public Works Committee is not authorised to look at all government construction; for example, works commissioned by the National Capital Development Commission do not fall within its purview.

141 The concept of a Public Works Committee is somewhat anachronistic as the value of public works considered by the committee represents a very small percentage of government expenditure. It is probable that this was not the case in 1913 when the committee was first appointed. Today, there are many government programs, involving expenditure on new items, which have far greater cost. Only rarely are any of these other government projects effectively scrutinised by the Parliament.

142 The Committee has heard arguments supporting the retention of a Joint Committee on Public Works.

---

<sup>17</sup> In 1969 the Public Works Committee was required to examine works the cost of which would exceed \$750,000. This was increased to \$2 million when the Act was amended in 1973.

Notwithstanding the value of its work in the past the Committee is unable to support the proposition that a committee of 9 members of the Parliament continue to supervise such a limited area of government expenditure.

#### The Public Accounts Committee

143        The Public Accounts Committee is the best-known, and perhaps the most acclaimed of the financial committees of the Parliament. It has had a salutary effect on public administration.

144        The Public Accounts Committee has conducted "efficiency audits". These have been directed towards testing efficiency by examining inputs. But it has not examined administrative efficiency by relating inputs to outputs (an essential task for any review of administrative economy and efficiency in the delivery of government programs).

#### Strengthening financial control

145        Against this background of zealous but inadequate and unco-ordinated scrutiny of public expenditure the committee has examined the need for strengthening financial control by the Parliament.

146        There is widespread support for the House of Representatives developing effective committees of financial scrutiny. But there is less widespread agreement on the type of financial committee or committees required. Questions which arise include: Should the recently formed House of Representatives Standing Committee on Expenditure be retained? Should the Public Accounts Committee be expanded and empowered to carry out more broad ranging inquiries into government efficiency? Does the existence of more than one committee of financial scrutiny detract from the efficiency of the House or the Parliament performing this task? Should the House of Representatives have estimates committees?

## Britain and Canada

147 The British Parliament first appointed its Estimates Committee in 1912. The committee was to complement the work of the Public Accounts Committee - to scrutinise the expenditure proposals of the government and question the necessity of allocation of funds. The concept expanded in ensuing years. By 1967 the committee had 43 members in 6 sub-committees, the jurisdictions of which covered a wide range of government activity.

148 In 1971 the House of Commons replaced the Estimates Committee with an Expenditure Committee. Its terms of reference do not differ greatly from those of the recently appointed House of Representatives Expenditure Committee.

149 The British Expenditure Committee has 49 members and operates in 6 sub-committees of 8. Five sub-committees have functional jurisdictions. The sixth (the general sub-committee) performs a valuable role in scrutinising Treasury forward estimates and, were more time available, might even have considerable effect upon the government when it frames its budget. But for a variety of reasons even this sub-committee is unable to have great effect. The other sub-committees are better described as standing subject matter committees. Their priorities are determined by their members and they tend to conduct inquiries into matters of general interest which fall within their jurisdictions.

150 The role of the Expenditure Committee was debated in the House of Commons on 15 January 1974. The general consensus was that the general sub-committee had largely fulfilled its role. But the work of the other sub-committees was questioned. The functional sub-committees rarely work on public expenditure. They devote very little attention to the



expenditure projections, preferring to look at the subject of their inquiries from the point of view of general policy and administration.

151 In Canada, estimates are referred to standing committees which are also responsible for legislation and general inquiries on matters referred by the House. Estimates tend to receive a low priority. If a standing committee has not reported on its group of estimates by the end of May they automatically revert back to the House (being deemed to be approved). Some estimates do not receive any study at all.

152 There are two lessons to be learnt from British and Canadian experience. The function of financial scrutiny should be entrusted to specialist committees, not added to the functions of other committees. Financial committees, if they are to effectively scrutinise public expenditure, should be required to avoid consideration of policy.

#### Recent proposals

153 The Interim Report recommended an expansion of the Public Accounts Committee to enable it to take on the functions of the British Expenditure Committee's general sub-committee. It was proposed that the Public Accounts Committee cease to be a joint committee. The recommendation provoked response from the Public Accounts Committee. It did not object to an extension of its powers, but it was not in agreement with the proposal that Senators no longer serve on it.

154 Notwithstanding the existence of this Committee and the requirement that it report by 26 May, the House of Representatives, on 29 April, appointed an Expenditure Committee. The terms of reference of the committee are

sufficiently similar to those of the British Expenditure Committee for the problems of the British committee to be expected within the Australian committee.

155 The Committee whole-heartedly endorses the concept of parliamentary scrutiny of government expenditure. However, it is forced to acknowledge the historical experience of other Parliaments; that committees of financial scrutiny with broad terms of reference tend not to perform that role but rather they digress to inquiries of interest which are not directly concerned with expenditure.

156 It is desirable that one parliamentary committee scrutinise government efficiency and economy. But it is not desirable for that committee to look at policy and to question matters other than governmental efficiency.

#### Available alternatives

157 Effective scrutiny of the financing of governmental operations is an essential function of the House of Representatives. There are 4 possible methods of effecting this scrutiny:

- (a) the existing committees could be retained as they are;
- (b) Expenditure Committee functions could be incorporated into the Public Accounts Committee;
- (c) the House could establish estimates committees; or
- (d) a new, all-embracing committee could be established combining the functions of the Public Accounts Committee and the Expenditure Committee.

158 Senate estimates committees are seasonal and, necessarily, limited. There is no evidence to suggest that dividing the House of Representatives into small groups to study Appropriation Bills would be beneficial.

159           An obvious option is the retention of both the Public Accounts Committee and the Expenditure Committee. But the work of these committees is similar. There are serious possibilities of conflict of jurisdiction with resulting overlap. This arises not only from the possibility that the inquiries of both committees would require detailed examination of financial documents and related information but also from the decision of the Public Accounts Committee to inquire into the administrative efficiency of departments and statutory authorities.

160           There are compelling reasons why two committees of financial scrutiny should be replaced by a single committee. There is a scarcity of parliamentary resources - members with an aptitude for and an interest in the hard, dry, sometimes dull and technical work that financial scrutiny involves. It is unwise to assume that there is sufficient parliamentary interest to man two major financial committees.

161           Allocation of priorities and organisation of inquiries is simpler in one committee than in two. Work can be divided between sub-committees and goals set without fear that another committee of the Parliament is also doing part of the job. If necessary, all resources of one co-ordinated committee can be channelled into a particular area, different kinds of approach being taken concurrently.

162           Incorporating the functions of one existing committee into another is not satisfactory. A "patching-up" operation is inadequate in terms of effective parliamentary scrutiny. What is required is a reorientation of approach, a change of emphasis. The emphasis should be placed not so much on overseeing the regularity of financial transactions or on the follow-up on matters relating to waste referred to in the reports of the Auditor-General. The emphasis must be placed directly on administrative efficiency.

163 The advantages and disadvantages of joint committees are discussed in several parts of this report. This has become an emotional rather than a logical issue. Whilst there are valid arguments for both cases the Committee has favoured separate and complementary systems of committees for the two Houses. This attitude does not allow for joint committee activity other than in special cases. The Committee does not see the antiquity of the Joint Committee of Public Accounts as sufficient refutation of recommendation 11 (paragraph 164).

#### CONCLUSIONS AND RECOMMENDATION

##### Public Administration Committee

###### Recommendation 11

164 The Committee recommends that the House of Representatives appoint a Standing Committee on Public Administration. The recommended terms of reference of this committee are contained in Appendix G.

165 The Standing Committee on Public Administration should be established by standing order. The following general principles are proposed for inclusion in the standing orders:

- (a) the membership be no less than 15;
- (b) the quorum be one-third;
- (c) sub-committees consist of no less than 5 members, quorums being 3 for deliberation and 2 for taking evidence.

166 The powers of the committee should be those normally conferred on standing committees of the House. However, it is important to emphasise that the jurisdiction of the committee should be understood to encompass all government funded instrumentalities or organisations, not only Departments of State.

167 The terms of reference have been drafted with care. They place major emphasis on administrative efficiency in its broadest sense. It is the clear intention of the Committee that the principal role of the Public Administration Committee be to scrutinise government efficiency and economy. It is not desirable for such a committee to look at policy. However, it is appreciated that, even accepting policy as a datum, there will be occasions when the committee appreciates that administration is efficient whilst the benefits of a policy are far outweighed by its cost. The committee is entitled and required to place such matters before the House.

168 The Public Administration Committee, by itself, will not be the be-all and end-all in administrative scrutiny of the executive. Just as the Public Accounts Committee is currently the parliamentary complement to the Auditor-General, so must the Public Administration Committee be the parliamentary complement not only to the Auditor-General but also to the body responsible for executive efficiency, the Public Service Board.

169 Section 17 of the Public Service Act<sup>18</sup> requires the Public Service Board to examine the business of each department and ascertain whether any inefficiency or lack of economy exists. The Board has been criticised for not performing this function. The Committee notes however that the Parliament itself is hardly blameless in this connection. The Parliament has never availed itself of the opportunity to examine the annual reports of the Board in depth, required information about, or encouraged the application of, Section 17.

---

<sup>18</sup> Section 17 is reproduced in Appendix H.

170           The Royal Commission on Australian Government Administration has been examining the question of administrative efficiency. One of its terms of reference requires it to give attention to parliamentary scrutiny and control of administration.

171           The Committee is aware of the submission made by the Auditor-General<sup>19</sup> and a Royal Commission task force report<sup>20</sup> which are relevant. The Auditor-General proposed that his powers be extended to include supervision of efficient allocation of funds, not just propriety in accounting techniques. The task force report proposed a central governmental agency concerned with all matters of financial accountability. The possibility that the Royal Commission has considered recommending either a new government instrumentality, or parliamentary committee of scrutiny, or both is not surprising. Whilst the Committee should not speculate on such matters it nevertheless expresses support for such attitudes and asserts that the proposals in this Chapter go a long way to meeting existing needs in this regard.

172           The Committee emphasises that it is necessary for the government to give consideration to the need for the Parliament and the proposed committee on Public Administration to have access to the reports of whatever body is charged with reporting on administrative economy and efficiency; preferably such a body should report to the Parliament. This will complement the work of the Public Administration Committee. Over time the committee could become a powerful ally of this body in its search to eliminate bureaucratic waste and inefficiency in all aspects of administration.

---

19 Submissions by the Auditor-General to the Royal Commission on Australian Government Administration - Auditor-General's Office, October 1974.

20 Task Force on Efficiency working paper - Towards a More Efficient Government Administration - Gerald E. Caiden, Canberra 1975. (Report to the Royal Commission on Australian Government Administration.)

173 If the Public Service Board is to retain its Section 17 function it will be necessary for the Public Administration Committee to have access to relevant reports. The 1975 annual report of the Public Service Board refers to efficiency reviews of particular areas of departments.<sup>21</sup> These reports were given to the Royal Commission on a confidential basis. Such a practice would be quite unsatisfactory for a parliamentary committee. That committee would expect to receive such reports as a matter of right rather than after negotiation between the committee and the Board. Subsections 17 (3) and (4) of the Public Service Act probably restrict the Board from making public such reports. Under these subsections the Board has to consult first with the Permanent Head and then with the Minister before it may report any matter relating to subsection (1) to the Parliament.

174 The Committee therefore is of the opinion that Section 17 should be amended to require the Board to always report to the Parliament in respect of any Section 17 matter.

#### Senate estimates committees

175 It is the constitutional responsibility of the House of Representatives to oversee financial matters. A corollary of this proposition is that the Senate need not retain its estimates committees. Whilst the Committee acknowledges the general constitutional principle, it considers that the interests of economy and efficiency require the continuation of this established procedure in the Senate.

176 Retention of Senate estimates committees provides balance of scrutiny as the Senate would no longer participate in the Public Accounts Committee. The examination of estimates, line by line, is not the main task of the proposed Public Administration Committee. There is therefore a clear and complementary role for the Senate estimates committees.

---

<sup>21</sup> 1974-75 Annual Report of the Public Service Board, Parliamentary Paper No. 268 of 1975.

177 In the earlier stages of its inquiry the Committee considered the desirability of establishing a committee to consider the financial arrangements and expenditure of government instrumentalities. This scrutiny could be effected by a new committee, it could be carried out by the standing subject matter committees of the Senate or, alternatively, it could be attached to the Senate estimates committees. The Committee favours the third alternative without prejudice to the right of the House of Representatives Public Administration Committee to scrutinise the financial arrangements of statutory and other government authorities.

178 Present Senate estimates committees are seasonal. They are appointed specifically to consider nominated Appropriation Bills and are required to report by specified dates. Because of their intermittent operating pattern it is not possible to provide permanent staffing support and it is therefore not possible for the committees to look at the estimates in the depth which they deserve.

179 The scrutiny function of the estimates committees could be enhanced by providing them with a full-time function and full-time staff.

180 It is proposed that estimates committees of the Senate be appointed for the duration of a Parliament and that sections of the Appropriation Bills be referred to them from time to time at the discretion of the Senate. It is also proposed that, although time limits must necessarily be placed on the reporting of the estimates contained in Appropriation Bills, there should be a total continuing examination of government funded authorities which are not Departments of State.



181        The Committee envisages some difficulty in organising the estimates committees to carry out short term and long term functions. At present the committee's jurisdictions relate specifically to the portfolios (or representative responsibility) of Senate Ministers or in the case of parliamentary estimates, the President. The Ministers are not members of the committees but are present at committee meetings to answer questions relating to the estimates in their charge. They are accompanied by departmental officers. The estimates committees will need to develop an appropriate modus operandi and to organise their business in such a way that ongoing scrutiny of the affairs of government agencies does not interfere with their principal role of examination of the terms of appropriation legislation.

182        These proposals will not effect the role of the House of Representatives Standing Committee on Public Administration. It will enable the Public Administration Committee to concentrate more on the efficiency and economy of government departments. Information provided to Senate estimates committees will no doubt be useful to the Public Administration Committee. There is obvious advantage in the secretariat of the Public Administration Committee monitoring the proceedings of estimates committees and identifying areas for following up by their committee.

CHAPTER IV

SUBJECT MATTER COMMITTEES

DISCUSSION

The Present System<sup>22</sup>

183 The Parliament has 12 standing subject matter committees - committees with terms of reference which include general oversight of a particular area of interest or government responsibility. As well, there are 14 domestic committees; 3 financial committees; 6 estimates committees and 3 select committees - a total of 38.

184 The 12 standing committees are listed in Table 1 below. They represent the Parliament's main means of obtaining information, scrutinising government policy and inquiring into matters of national concern.

Standing Subject Matter Committees

Senate	Joint	House of Representatives
Constitutional & Legal Affairs (6)		
Education & the Arts (6)		
Foreign Affairs & Defence (6)	Foreign Affairs & Defence (21)	
Social Welfare (6)		Aboriginal Affairs (8)
Trade & Commerce (6)		Road Safety (8)
National Resources (6)		{ Environment & Conservation (8)
Science & the Environment (6)	Australian Capital Territory (10)	

Table 1

<sup>22</sup> See Appendix I for a complete list of the committees categorised in paragraph 183.

185           The 12 standing committees have a total of 97 members (53 Senators and 44 Representatives).

186           In the past, attempts to establish a broad ranging system of standing subject matter committees in the House of Representatives have been unsuccessful. The House has established its present system by gradually increasing select committee activity and then perpetuating the select committees. This is not a rational method of development.

187           The jurisdictions of the 7 current standing committees of the Senate are intended to cover most aspects of governmental activity and parliamentary interest. The other permanent subject matter committees do not fit into any coherent pattern. They could not be called a committee system. It is the task of this Committee to evaluate this arrangement and suggest improvements. The Committee believes that its recommendations serve this purpose and provide the Parliament with more effective coverage of all governmental activity. Without significantly increasing the number of committees, the Parliament can considerably increase its attention to the executive and the pursuit of issues of interest.

#### The British committee system

188           The House of Commons and House of Lords have separate committee systems. The House of Commons has four permanent functional committees concerned with specific and limited areas of government activity.

189           In 1971 the House of Commons established a large Select Committee on Expenditure. For the purposes of this Chapter it is sufficient to say that although the Expenditure Committee was intended to have a role which was principally financial it has transpired that 5 of the sub-committees of the Expenditure Committee really operate as functional subject matter committees. In effect, the Commons thus has 9 permanent subject matter committees.

### The Canadian committee system

190 Both Houses of the Canadian Parliament have a standing committee system established by standing orders. The systems differ to some degree, the differences reflecting two factors - the constitutional differences between the two Houses and the number of members of the two Houses.

191 The Canadian House of Commons has 13 functional standing committees which have jurisdictions closely corresponding to government departments and activities. Two other standing committees have mixed roles which could include scrutiny of certain areas of government activity. The Senate has 8 functional standing committees.

192 The Canadian committee system therefore contains 23 subject matter committees with multiple functions. They can only act on reference from their House and they must combine the scrutiny of legislation, the scrutiny of financial proposals and the normal functions of subject matter committees - the scrutiny of the executive and inquiry into areas of interest. The experience of the sub-committee which visited Ottawa and Westminster was that the combination of functions within one committee does not add to its efficiency. There are conflicts of priorities.

### Evidence taken by the Committee

193 Some witnesses suggested that the Senate had already established an effective system of subject matter committees and that the House, if it established an expenditure committee, would neither need nor be able to duplicate this. The Committee believes that members of both Houses should have the opportunity to serve on subject matter committees.

194           The Clerk of the Senate suggested that each House should establish what he called "institutional committees". By this he meant that there is a peculiar role for each House and that each House should establish a system of committees which best fitted its institutional role. Implicit in this proposal is the sensible sharing of scrutiny functions between the two Houses, and the development of proper procedures to prevent undue duplication between committee systems geared to the particular needs of the Houses.

195           A number of witnesses proposed some kind of system of joint subject matter committees. Whilst this would certainly avoid the problem of possible duplication it is not supported. Each House has its own role and its own principal interests. The Houses are differently equipped to handle certain functions. A system of committees for the Parliament must also contain a system of committees for each House (see also paragraphs 407-413).

196           Duplication can be avoided by establishing proper channels of communication between the Presiding Officers of the two Houses and the committee chairmen of the two Houses. Chapter VIII refers to an informal Chairmen's Liaison Panel. The establishment of such a panel is strongly urged to aid the determination of jurisdictional disputes. But it is also stressed that each House must always retain the right to pursue issues which concern it. It is not sufficient to say that the other House is inquiring into a matter. From time to time there will be issues of such great importance or of such critical political force that both Houses will wish to pursue them, perhaps by different means and with a view to achieving different ends. This is a legitimate function of a House of the Parliament and it is legitimate for the Houses to use their committees to meet their ends. The Committee does not recommend the establishment of any joint subject matter committees. The remainder of this Chapter will deal with separate committee systems for the two Houses.

## CONCLUSIONS AND RECOMMENDATIONS

197 Before settling on two systems of subject matter committees the Committee considered the question of whether the complete system should attempt to provide continuous cover of every aspect of governmental involvement and parliamentary interest. The alternative is to provide such cover on a restricted basis and to augment this with selective short term involvement in key areas. Specialist committees entrench themselves. They are always able to propose good arguments for maintaining their existence. They can involve an inappropriately large proportion of the membership of a House in relatively narrow areas of interest. The Houses must be wary of allowing specialist committees to perpetuate their existence. The Houses must obtain broad and contemporary coverage through their committees.

198 In the opinion of the Committee the subject matter committees of the Parliament should embrace all aspects of government activity and also provide the capacity for short term studies of current issues. The Committee considered the three principal means of obtaining this kind of coverage.

### Parallel systems

199 Parallel systems of committees in the two Houses would provide each House with a broad and total coverage of subject matter. The main problem with establishing parallel committees is that the possibility of duplication can never be avoided and that neither House has a sufficient membership to realistically expect that its committees can provide complete and continuous oversight of all areas of concern to the Parliament. This would be more likely if the Houses established institutional committees.

### Institutional systems

200           There is no doubt that the roles of the Houses differ. Whilst constitutional differences may now be of relatively minor importance it is undeniable that there are historical and practical political differences between the Houses. Senators and Members are elected for different terms, see their roles differently and with rare exception believe that they are different.

201           It is possible to provide a system of committees which takes account of these differences. Senate committees could be of a more general nature, dealing with issues and attitudes rather than areas of legislative and economic activity. House committees could be oriented toward economic planning, government and subject matters which are frequently dealt with by legislation. Senate committees, having broader areas of interest would be able to conduct more large scale inquiries.

202           Such an institutional division of committees would deprive each House of continuing capacity to oversight all areas of government activity. Whilst this may be a rational approach it is indisputable that there would be strong objections from either House because they had been arbitrarily excluded from committee surveillance of particular subjects.<sup>23</sup>

### A compromise system

203           The Committee favours a third system which combines the better features of the two alternatives discussed above. It is proposed that the Senate maintain a system of standing subject matter committees with broad functional jurisdictions. The House can institute an effective counter-balance to the Senate's broad ranging system. This can be done by maintaining

---

<sup>23</sup> An example of a break-up of committees on an institutional basis is provided in Appendix J.

continuous select committee activity in the House - such activity directed by the impetus of current events into oversight or inquiry within more narrow areas.

## The Senate

### Recommendation 12

204 It is recommended that the Senate establish 8 standing subject matter committees of 6 Senators.

205 The committees, like the existing legislative and general purpose committees, should have broad functional<sup>24</sup> jurisdictions which provide a complete cover of all areas of relevance to the Australian Parliament.

206 The jurisdictions and powers of the existing legislative and general purpose committees are considered sufficiently broad to enable the Senate to refer almost any conceivable question to an appropriate committee. Whilst the jurisdictions could no doubt be improved the Committee does not propose to recommend new names, jurisdictions or powers for the Senate standing committees. Whilst retaining the existing jurisdictions it is pointed out that recommendation 12 (paragraph 204) proposed 8 committees and that there are at present only 7. The eighth committee should be appointed

---

<sup>24</sup> "Functional" is used to refer to subject matter committees whose jurisdictions are determined not by the limitations of government departments or the Administrative Arrangements Order but by operational areas of government. The alternative to functional standing committees would be institutional standing committees. Senate estimates committees are institutional, their jurisdictions relate directly to ministerial portfolios. When the Administrative Arrangements Order is changed, or ministerial portfolios are changed within the Senate, estimates committees' jurisdictions must automatically be varied.



to carry out some of the functions presently performed by the Public Works Committee and, as well, to maintain the National Parliament's oversight of the plan of Canberra.<sup>25</sup>

207 Existing Senate committees are empowered to deal with legislation (standing order 196A). The Committee does not believe that it is efficient to transmit Bills to committees with other functions. However, it is necessary to take into account the limited number of Senators available. No change is recommended.

Recommendation 13

208 It is recommended that the Senate standing committees be established by standing order and that the standing orders prescribe the following procedure for selection of references:

- (a) all references shall be by resolution of the Senate;
- (b) the first task of a committee is to report back to the Senate recommending a definition of its terms of reference and a deadline for completion of its inquiry;
- (c) the inquiry shall not commence until the Senate has ratified the definition of the terms of reference and accepted the projected time scale.

209 The report has already referred to the problems faced by committees when they have to allocate priorities to references of different natures. As far as possible, committees should not have competing demands upon their attention.

---

<sup>25</sup> Section 12A of the Seat of Government Administration Act provides for the Parliament to take an active role in this matter. Between 1956 and 1976 that role has been performed by the Joint Committee on the A.C.T. It could equally well be performed by a Senate committee the jurisdiction of which included consideration of proposed public works. In this case, it might be desirable to include the environment within the jurisdiction of this eighth committee, as the inter-relationship of construction, development and environment is necessarily close.

210 Witnesses views differed on the question of source of reference. Some suggested that committees should only pursue inquiries referred by their House. Others thought that committees should have complete autonomy in determining their business. Both of these attitudes have merit. Committees which determine their own references tend to be more highly motivated and productive. On the other hand some such committees, through mismanagement, fail to achieve very much at all because they do not have clear guidelines which direct them and lead to purposeful activity.

211 On balance the advantages of committees being able to select their own reference are outweighed by the disadvantages of the Senate losing control of its own agencies. The Senate standing committees should not be empowered to initiate their own inquiries. Their references should emanate from the Senate.

#### The House of Representatives

##### Recommendation 14

212 It is recommended that the House of Representatives establish, by standing order, a standing business committee. The committee should be chaired by the Speaker. The Whips or their deputies should be members of the committee. Otherwise, it is expected that the membership of the committee (which should not exceed 8) should be drawn from backbench members.

213 The function of the House of Representatives Business Committee is to maintain continuing surveillance over the material presented to the Parliament which is at present given scant consideration. The committee should meet regularly and report to the House at least every 3 sitting weeks. Its reports should contain recommendations to the House in relation to the action which should be taken in respect of the material which it sifts.

214 All papers presented to the House, including government White Papers or Green Papers, Ministerial Statements, Tariff Proposals and Petitions should be examined by the committee with a view to considering whether any such material warrants closer scrutiny by a select committee of the House. The committee should encourage members to communicate with it, recommending necessary areas for select committee investigation.

215 The committee workload of the House at the time should be borne in mind when the committee makes recommendations regarding the action the House should take in relation to these documents. It is to be expected that in the great majority of occasions the recommendation will be that no action be taken. On occasion, however, the committee might make recommendations either for the appointment of a select committee or for the government to initiate a debate in the House. Any recommendation for the appointment of a select committee should be accompanied by proposed terms of reference.

216 There is considerable public and parliamentary support for the development, in the House of Representatives, of a broad ranging system of committees. In the opinion of the Committee, most members of the House of Representatives are under electoral and political pressures of such magnitude that the time available to participate in committee activity is necessarily limited.

217 The Australian electorate expects Members of the House of Representatives to be visible and available in their electorates at all times when the House is not sitting. The practical realities of politics lead the Committee to conclude that there is only a small percentage of Members of the House of Representatives which can afford to ignore the consequences of disappointing this expectation. There may be advantage gained by educating the electorate to appreciate that a member

serving on a parliamentary committee is serving his electorate just as well as a member attending in his electorate office. Unfortunately, the electorate has developed an expectation that the House will sit on a relatively small percentage of working days in a year and that their local member has the responsibility to be at home and seen to be on the job at all other times.

218 It will be necessary to counteract this historical and inaccurate understanding of the role and duties of a Member of the House of Representatives before the House can be expected to properly perform its role within the Parliament and to take on detailed and broad ranging committee activity.

219 Notwithstanding these comments the Committee is in no doubt that for the Parliament to perform all of its functions as well as possible it must expend more effort and it must expend that effort as efficiently as possible. A committee is an efficient technique of performing parliamentary business. However, the conclusions drawn in the preceding paragraphs lead the Committee to expect that only a small proportion of members of the House can give more time to committee activity. These propositions will be tested by the implementation of the Committee's recommendations. The recommendations put the onus squarely upon the House to determine its own level of activity.

#### Recommendation 15

220 It is recommended that the subject matter committees of the House of Representatives be of no more than 8 members, that no more than 8 such committees operate concurrently and that each committee be required to report by a certain date.

221 The House of Representatives will not have standing subject matter committees. Notwithstanding this, it is important that there be liaison between chairmen of ad hoc subject matter committees, of other standing committees and the Business Committee.

222 It would be inappropriate for subject matter committees of the House, being ad hoc, to be able to extend their references or initiate inquiries.

Committee membership, quorums, etc.

Recommendation 16

223 It is recommended that subject matter committees of the Senate and the House have a quorum of 3, or 2 for the purpose of taking evidence.

224 It is unnecessary to maintain large quorums for committees when they are not making decisions. The subject matter committees of the House of Commons normally have a quorum of about one-third. Some of these committees have quorums of as little as one-seventh. The Canadian standing committees have a general authority to determine their own quorums for the purpose of taking evidence. Members of the Parliament will be familiar with the American practice of one or two members of a large committee taking public testimony. The Committee sees great practical advantages in enabling a committee to take evidence with only a few members present. This technique is preferable to the artificial device of appointing sub-committees to take evidence to avoid the difficulty of fulfilling a large quorum requirement.

Committee chairmen

225 At this stage it is pertinent to discuss the rôle of a committee chairman. It has been suggested that a committee depends for its success upon the competence and drive of its

chairman. It is imperative that when committees are appointed and when they elect their chairman, account is taken of the importance of this function. Whilst it might be naive to hope that government chairmen should be crusaders, marauding their own government, it is equally obvious that they must be prepared to stand on principle, to pursue justice and propriety and on occasion to press the committee view upon the government.

226 Although it is expected that subject matter committees will normally appoint a government member as chairman, it is asserted that the committees themselves should always have the right to elect whomsoever they choose as their chairman and deputy chairman.

#### Duplication

227 It is envisaged that both Houses should have informal Chairmen's Liaison Panels which will meet regularly with the Presiding Officer and the Chairman of Committees. In the House of Representatives there will also be a business committee which will play an important part in structuring the committee work of the House.

228 It is hoped that these panels will provide the means of preventing duplication between committees. Whilst the panels will be informal and have no executive authority it is anticipated that the Presiding Officers will wish to take the advice of the panels and that from time to time Presiding Officers and the panels of the two Houses will confer with a view to eliminating possible duplication of effort by committees of the two Houses.

### Distinctions between different types of committees

229        The principal functions of subject matter committees are scrutiny of the executive, information gathering and policy advising. The Senate subject matter committees will be better equipped to carry out long term inquiries. The House subject matter committees will operate as select committees and should not be expected to carry out major long term inquiries.

230        Recommendations have been made which are designed to prevent House subject matter committees from protracting their inquiries and continuing to operate after they have fulfilled the main function for which they are established.

231        Questions arise concerning the relationship between standing committees of the Parliament, select committees of the Parliament, governmental inquiries and royal commissions. Over the past few years there have been appointed many government committees of inquiry and royal commissions. Within any parliamentary democracy there is a role for each of these inquiries. It is not desirable for parliamentary committees to carry out expert or quasi-judicial inquiries just as it is not desirable for governmental committee inquiries or royal commissions to carry out investigations which are more appropriate to a committee of the Parliament. In future, governments should carefully consider the role of the Parliament and its committee system before referring matters to non-parliamentary committees of inquiry.

CHAPTER V

"DOMESTIC" COMMITTEES

HOUSEKEEPING AND ADMINISTRATIVE FUNCTIONS

Library, House and Publications Committees

Recommendations 17 and 18

232 It is recommended that the responsibilities of the House, Library and Publications Committees devolve directly on the Presiding Officers and the Management and Members' Services Committee.

233 It is recommended that standing orders provide for the appointment, at the commencement of each Parliament, of an advisory committee of backbenchers to be known as the Management and Members' Services Committee to confer with and advise the Presiding Officers. This committee should not consist of more than 5 Senators and 5 Members of the House of Representatives.

234 Members of the House of Representatives participate in the deliberations of 7 "domestic" committees. Senators participate in 8 "domestic" committees. With the exception of the procedural committees - Standing Orders and Privileges, and the Senate Committee on Disputed Returns and Qualifications, the remaining committees are either joint committees or separate committees which normally meet jointly.

235 The Senate and the House of Representatives each maintain a House committee and a Library committee. Both of these committees are chaired by the Presiding Officers and are in effect advisory bodies.



236 Each House has a Publications Committee. Sitting as a committee of a single House their only function is to recommend that certain papers tabled in the House be printed in the Parliamentary Papers series. Sitting as a joint committee they have another role and may undertake inquiries on reference from the relevant Minister.

237 The inquiry role of the Joint Publications Committee - a committee of 14 - is a useful and valuable one. But it is not an efficient use of the membership of the Parliament. Matters inquired into by the Publications Committee also fall within the jurisdiction of the House Standing Committee on Public Administration and the Senate standing subject matter committees and estimates committees.

238 There is merit in combining some of the parliamentary committees which carry out housekeeping functions. To a certain extent their memberships coincide, the Presiding Officers of the two Houses being ex officio chairman and deputy chairman of each. There is obvious scope for economy. The Library and House committees do not have any executive authority. Executive authority rests with the Presiding Officers as the elected agents of their Houses. They are not bound by the decisions of these committees of which they are ex officio members and, by courtesy, chairmen.

239 In the British House of Commons there is a Select Committee on Services. This committee has sub-committees on accommodation; administration; catering; the Library and broadcasting.

240 The Canadian House of Commons Committee on Organisation and Procedure published a draft report in 1975 suggesting that its functions be diversified, that a Committee on Procedure be appointed and that its organisational

functions devolve to one House Committee on Services. This House committee would also take over the functions of other domestic committees.

241 Advice recently received from Canada indicated that it is currently proposed that the joint committees of the Canadian Parliament on the Library, the Restaurant of Parliament and Printing be replaced by one joint committee. On 18 May 1976 this proposal had not been finally approved by the two Houses although agreement was expected.

#### New and Permanent Parliament House Committee

242 The Joint Standing Committee on the New and Permanent Parliament House is only recently appointed. There is obviously a need for a committee to act as a client on behalf of the Parliament in relation to the construction of the new Parliament House. Whether such a committee might be incorporated into an omnibus management committee was raised in the Interim Report. No response was elicited.

243 The responsibilities of the New and Permanent Parliament House Committee will continue and will grow. It is therefore proposed that the committee continue to be reappointed at the beginning of each Parliament and that it maintain its existence as a separate entity.

#### Broadcasting Committee

244 The Joint Committee on the Broadcasting of Parliamentary Proceedings is a statutory committee. The statute permits it to make determinations in relation to the broadcast of parliamentary debates. On the occasion of the joint sittings of the Houses in July 1974 the Act was amended to empower the committee to make determinations which had the force of law in relation to the radio and television broadcasting of those sittings. This committee performs a

necessary delegated function. This is also a committee on which the Speaker and President hold office ex officio.

245 It would be possible to incorporate its functions into a management committee and amend the Act so that a broadcasting sub-committee of the management committee had the same powers as the present statutory committee. On balance the advantages of the Broadcasting Committee remaining as a separate and continuing committee outweigh the economies of incorporating its functions into a general management committee. It is proposed that the committee continue to function in the same manner as it does now and that the Act not be amended.

### JUDICIAL FUNCTIONS

#### Privileges Committees

246 Each House has a Committee of Privileges. These committees are concerned principally with matters affecting the powers of their Houses.

247 It is not envisaged that there should be any change to the Privileges Committees, which only deliberate on receipt of a specific reference from their House.

#### Disputed Returns and Qualifications Committee

248 The Senate Committee on Disputed Returns and Qualifications has not functioned since 1907. In that year the Parliament passed the Disputed Elections and Qualifications Act which provided for petitions disputing elections to be transmitted to the High Court sitting as a court of disputed returns. Since that date no dispute has been referred to the committee. On a recent occasion<sup>26</sup> the

---

<sup>26</sup> Senate Journals No. 64 of 1974-75, pages 628-9. Also see Pecuniary Interests: Australian Senate seeks court ruling on qualifications of a Senator - Mr R.E. Bullock, Deputy Clerk of the Australian Senate. The Parliamentarian, October 1975, page 234-236.

Senate resolved that a dispute should not be referred to its committee but preferred that it be resolved by the High Court. Therefore, there is little practical reason to retain the committee. On the other hand, its existence does not affect the workload of Senators and may provide a necessary constitutional safeguard. Despite its disuse no change is proposed.

#### PROCEDURAL FUNCTIONS

##### Recommendation 19

249        It is recommended that the standing orders of the Senate and the House of Representatives be amended to provide for the appointment of a Committee on Procedure in each House; that the committees be of no more than 7 members; that no office holders other than the Presiding Officer and his deputy be eligible for appointment; and that the terms of reference of the committees be as follows:

"To maintain a continuing surveillance of the practices and procedures of the Senate (House) with a view to making recommendations for their improvement or change and for the development of new procedures; such recommendations being made normally by report to the Senate (House) but, on certain occasions, being made directly to the Presiding Officer when the recommendations relate to the exercise of existing powers."

250        A number of witnesses have suggested that the Standing Orders Committees of the Senate and the House of Representatives are too unwieldy to be used effectively as vehicles of reform and change. It has been posited that the number of ex officio members and the propensity of party leaders and office holders to take membership on the committees has restricted their roles. The committees are too large, each having a membership of 11.

251           The Senate Standing Orders Committee was the vehicle for the 1970 revision of the Senate committee system. Although the Standing Orders Committee contained some of the more prominent members of the Senate this apparently did not prevent it from carrying out a useful role in the generation of new policy. It is difficult to assess whether a differently constituted Standing Orders Committee of the Senate might have been even more active than it has been.

252           There is little doubt that the Standing Orders Committee of the House of Representatives is a top-heavy body unable to function as an instrument of reform. It has met 11 times in the past 10 years. Its procedures do not allow for the taking of evidence or the hearing of views of persons other than members of the committee.

253           Although the Standing Orders Committees of the House of Representatives and Senate have, from time to time, recommended valuable reforms to the procedures of the Houses there has not been any effective ongoing consideration of procedure and practice. The House of Representatives Standing Orders Committee report of 1962, which led to the revision of the House's financial procedures, has not been followed up at all. There have been few notable achievements made by either Standing Orders Committee.

254           The Canadian and British Houses of Commons both appoint Committees on Procedure separately from the Standing Orders Committees. In Britain the Committee on Procedure is normally provided with a general ongoing reference to review and to assess the procedures of the House with a view to recommending desirable changes. During the 1974-75 session the Procedure Committee also received four references from the House requesting it to inquire into and report on specific procedural proposals. This committee is an effective

instrument of reform and its reports have often been adopted. It meets weekly. It takes evidence not only from Members and officers of the Parliament but from other sources too. It is comprised solely of backbenchers and the membership represents the complete spectrum of experience in the House - there are long serving members and relative newcomers to the Parliament.

255           In the opinion of this Committee there is considerable advantage to be gained by the appointment of Procedure Committees in the two Houses. The Standing Orders Committees should continue to operate in their present form. Procedure Committees, when instituted, will play roles different to those of Standing Orders Committees.

## CHAPTER VI

### SELECT COMMITTEES

256 Both Houses appoint select committees to carry out special tasks on their behalf. On many occasions the select committees have been joint, comprising members of both Houses. The Committee fully endorses the view that each House of the Parliament must always retain the right to appoint select committees and delegate to them specific functions of inquiry and report.

257 It is assumed that there will be occasions when it is appropriate to appoint joint committees. But in general, this Committee does not favour the use of joint committees when a committee of one House is competent to do the job just as effectively. Joint committees must necessarily have larger membership, they tax the resources of the Senate and they create administrative problems of an order not experienced by single House committees.

#### Recommendation 20

258 It is recommended that the practices of the Houses for the appointment of select committees be maintained; that select committees consist of no more than 6 Senators or 8 Members; that a quorum of a select committee be 3, or 2 for the purpose of taking evidence.

#### Recommendation 21

259 It is recommended that select committees not be empowered to report from time to time.

260           It is important that select committees be relatively small and that they not be empowered to report from time to time. The second of these considerations stems from a concern on the part of this Committee that the Parliament should protect its standing committees and not allow select committees to perpetuate their existence. The function of a select committee is to carry out the task with which it has been charged by the Parliament. It is imperative that the job be done speedily and well and it is improper that a select committee task might generate a semi-permanent or permanent committee dealing with that subject matter.

261           In paragraphs 229-231 the Committee referred to the distinction between parliamentary committees, governmental inquiries and royal commissions. The comments which were made before are reiterated. There is little merit in charging committees of Parliamentarians with inquiries which are basically of an expert or a judicial nature. By the same token, general inquiries on issues of policy should be carried out by committees of the Parliament whenever feasible.

262           In Chapter II the Committee recommended to the government the practice of presenting White Papers and Green Papers relating to proposed legislation (paragraphs 123-128). The manner in which the House should deal with such papers was also discussed in Chapter IV (paragraphs 213-215). The recommendations are again commended to the Parliament. It should be stressed that the practice of presenting White Papers and Green Papers should not be restricted to legislative proposals. Over time, there are many issues which governments could properly put to the Parliament in this way. Some of these will be appropriate subjects for select committee consideration.



## CHAPTER VII

### MISCELLANEOUS COMMITTEES OF SCRUTINY

#### General

263           There are a number of existing committees which def: easy classification. There are committees of a domestic nature which also have other functions and there are committees of scrutiny which have unique jurisdictions.

264           In the Australian Parliament there are 3 committees in this category. There is the Senate Committee on Regulations and Ordinances which has rendered valuable service to the Parliament for 44 years. There is a Publications Committee of each House. When the Publications Committees confer they have extended terms of reference and may conduct inquiries on reference from a Minister or generate their own inquiries (see also paragraphs 232-241).

265           Committees to deal with such things as tariff proposals, customs tariff by-laws and quasi-statutory determinations of the government would also fall within the above description. The Public Works Committee could also fall into this classification although its main role is that of financial oversight.

266           In the British House of Commons the Committees on Statutory Instruments and on European Secondary Legislation fall into this category. The Canadian House of Commons committees on Miscellaneous Estimates, Miscellaneous Private Bills and Standing Orders, Privileges and Elections fall into this grey area.

Committee on Delegated Powers

Recommendation 22

267 It is recommended that the Senate appoint a standing committee to deal with delegated powers and that the standing orders of the Senate be amended to accurately describe the scope of its activity. This committee will replace the present Committee on Regulations and Ordinances.

268 An argument was put to the Committee that there is some historical basis for retaining the title of the Regulations and Ordinances Committee. This argument is not accepted.

269 The Senate Committee on Regulations and Ordinances is well known and highly respected. Its work is recorded in a paper presented by its Chairman to a parliamentary seminar in 1974.<sup>27</sup> He stated that "the Committee has had a very large impact upon the quality and content of delegated legislation . . . over the years".<sup>28</sup>

270 The possible deficiency of the committee is that its guidelines restrict it to considering legal aspects rather than the policy aspects of delegated legislation. Its main functions are to ascertain whether provisions:

- (a) are in accord with the Statute;
- (b) reverse the onus of proof, or
- (c) abridge traditional civil liberties.

Also, the provisions of the Acts Interpretation Act do not permit amendment to delegated legislation, only acceptance or rejection.

---

<sup>27</sup> Included in the committee's 50th report. Parliamentary Paper No. 271 of 1974.

<sup>28</sup> Parliamentary Paper No. 271 of 1974, page 24.

271           The committee is not empowered to scrutinise many other delegated powers which are not contained either in regulations or ordinances; for example, customs by-laws, executive orders, etc., some of which are tabled in the Senate.

272           In the opinion of the Committee there is a need for parliamentary scrutiny of the exercise of all executive powers. Whether one committee can do this is uncertain; but it should be attempted.

273           It would appear to involve duplication if the House of Representatives also set up such a committee. But the value of the committee may be sufficient to outweigh this consideration. No recommendation is made, but the possibility is brought to the attention of Members of the House of Representatives.

## CHAPTER VIII

### PROCEDURAL CHANGES REQUIRED BY THE COMMITTEE'S RECOMMENDATIONS

#### General

274 Throughout the report, recommendations have been accompanied by discussion of necessary procedural changes or innovations. Generally, procedural discussion has been included only for the purpose of making the recommendations more comprehensible. Procedural discussion in Chapters I to VII does not purport to be complete.

275 Implementing the recommendations will involve amendment or repeal of 4 statutes and a complete revision of all standing orders relating to committees. The standing orders relating to the passage of legislation will also need amendment to facilitate the establishment of legislation committees.

#### THE PROCEDURE COMMITTEES ROLES

##### Recommendation 23

276 It is recommended that the Procedure Committees established pursuant to recommendation 19 (paragraph 249) be immediately charged with the task of preparing the legislation and standing orders required to give effect to the recommendations of this report.

277 Ideally, this report should make detailed recommendations for procedural change. But whilst it is proper for a joint committee to make recommendations relating to the committee practices of the Parliament (the systems of the two Houses must be complementary) it is not proper for a joint committee to make recommendations to the Houses in relation to their domestic procedures.

278           Although it is not thought proper for this Committee to give specific instructions on the redrafting of legislation or to take on the task of redrafting standing order there are a number of general points which should be made.

279           The Procedure Committees should not only propose amendments to the standing orders which give effect to the recommendations of this Committee; but all standing orders relating to committees should be completely recast. The standing orders of both Houses are out of date and bear little relevance to actual committee practice. They should be more detailed, they should be clear and they should reflect current practice, not the procedures appropriate to the earlier years of the century.

#### GENERAL PROCEDURAL PROPOSALS

##### Establishment of Committees

280           All parliamentary committees should be established by standing orders, except for select committees and the Broadcasting Committee.<sup>29</sup> The Committee can see little justification for the current practice of using either statute, resolution or standing orders to establish committees. The standing orders should specify the powers and jurisdictions of all committees. Material which is presently included in the resolutions of appointment of committees established by resolution should be incorporated in the standing orders. On appointment of a new committee it should not be necessary to again consider what powers the committee should have or what rules should apply to it.

---

<sup>29</sup> The Parliamentary Proceedings Broadcasting Act defines and prescribes certain legal rights and obligations. It is a declaration of privilege.

### Standing (domestic) committees

281           The current standing orders relating to standing committees (Senate standing orders 33 to 39, House of Representatives standing orders 25 to 29) are inadequate. These orders should clearly specify all other rules which are relevant to the proceedings of such committees.

### Committee administration

282           Standing orders should not stop at describing the jurisdictions and powers of committees, their membership and standard procedures, etc. Standing orders should also prescribe the roles of the Presiding Officers and their deputies and the authority which the Presiding Officer or the Chairman of Committees must exercise in relation to committee activity. It is also important to define the roles of legislation committee chairmen.

283           A number of new types of committees have been proposed. The Committee has recommended the appointment of Committees of Selection in each House, a Business Committee for the House of Representatives, and Procedure Committees for both Houses. It is important that standing orders be drafted to reflect the views expressed in this report and accurately describe all of the functions of these committees, their powers and their relationship to the Presiding Officers and the Houses as a whole.

284           The report discusses the administrative arrangements for committee meetings, allocation of time for debating certain motions or debating reports. In some cases specific recommendations have been made. In other cases the Committee has merely expressed a general attitude without making a firm recommendation. It is desirable that the mechanics of implementing these recommendations and suggestions be taken up by the Procedure Committees and that the machinery be enshrined in standing orders.

285           On a number of occasions the report has referred to the existing powers of the Presiding Officers and has proposed variation in these powers. It is stressed again that a critical element of a parliamentary system is effective chairmanship and management. The Houses must be prepared to clothe their principal officers with more authority and with broader discretions. This extends not only to such obvious matters as control of funds and provision of staff but also to matters relating to the functioning of committees, the effective regulation of their proceedings and the adequacy of their management. The Presiding Officers must exercise responsibility on behalf of the Houses which establish committees. Their responsibilities are to ensure that the committees function as effectively as possible, remain within their terms of reference, do not exceed their powers or jurisdictions and perform the tasks given to them by the Houses as effectively as possible. It will be necessary to draft standing orders which provide the Presiding Officers with sufficient power and discretion to carry out these management functions on behalf of their respective Houses.

#### Meeting times and arrangements

286           A system of committees, no matter how elegantly designed, cannot operate efficiently unless the sitting arrangements of the Houses are organised to provide opportunities for the committees to meet. In the British and Canadian Houses of Commons (which have much larger memberships than the Australian Senate or House of Representatives) such things as pairing arrangements appear to operate more flexibly. The business of the British and Canadian Houses of Commons is more rigidly programmed and members are less often distracted from committee activity by unforeseen events occurring within the Chambers or by changes of program in the Chambers. This level of certainty is unlikely to be obtained by the Australian Parliament. Therefore, it is necessary to

look at other methods of assuring committees an opportunity of doing their business efficiently. The Canadian House of Commons has established a system which is known as the "block-booking" system for committee meetings. This system is designed so that committee meetings are programmed well in advance and the meeting times and accommodation for the meetings are organised in such a way that each committee gets a fair share of the available venues and times, whilst the smallest possible number of committees with overlapping membership meet concurrently.

287           A number of witnesses suggested that the sitting patterns of the Houses could be varied to accommodate committee meetings. The desirability of such an arrangement must be qualified by the realisation that the provision of spare time for members while in Canberra generally leads to an increase in Party committee meetings and provides few benefits for parliamentary committees. The establishment of new sitting patterns which provide spare time for committee activity will only be successful if the Parties acknowledge the reason for the provision of the time and make an effort to reduce conflict between Party committee and parliamentary committee meetings.

288           Current Senate sitting arrangements provide for sittings on the afternoon and evening of Tuesdays and Wednesdays; and the morning and afternoon of Thursdays. If the Senate sits according to plan it meets for about 18 hours each sitting week. The pattern of sittings of the House of Representatives is similar with the exception that the House sits marginally earlier in the morning and afternoon and that it always sits on Thursday evenings. Adherence to the House's pattern provides about 23 hours of sitting each week.



289 Time must be provided during sitting weeks for meetings of the parliamentary Parties and for other non-official but essential meetings. The Committee has considered the problems created by meetings of the Parties, by Cabinet meetings and by meetings of the opposition executive. It is unlikely that the hours of sitting of the Houses could be substantially modified without the agreement of all these bodies. Nevertheless, the Committee has developed proposals for the consideration of the Houses. The proposals involve extension of the sitting week. Extending the sittings of the Houses would provide suitable half days during the week which could be left totally free for parliamentary committee activities.

290 The Committee proposes that the Senate sit on Thursday evenings but not Thursday mornings. This would provide an entire morning each week during which committees could sit. Regular meeting times could be arranged and, with careful analysis of committee membership, committees could be allocated permanent time slots to create a minimum of conflict of membership problems.

291 The Committee's proposal concerning the House of Representatives is somewhat more wide ranging. The Committee suggests that the House adopt the practice of sitting on Monday afternoons and Tuesday mornings. If all Party meetings were held on Wednesday mornings it would be possible to leave Monday evenings and Tuesday afternoons free for committee meetings without reducing the sitting hours of the House.

292 Senate sitting hours would be increased by 1 hour per week. House sittings would be increased by 2 or more hours per week. The change would provide permanent times for committees to meet.

293 The Committee envisages that legislation committees will often meet during sittings of the House of Representatives and that in some instances there will be sufficient legislation committees meeting concurrently to warrant the House as a whole suspending. Committee business normally done outside Canberra would be done on non-sitting weeks and on the Fridays of sitting weeks, as it is now.

#### Committee membership

294 At present there are 92 Senate positions on active committees of inquiry or active committees which perform executive functions. There are 99 such House of Representatives committee positions.<sup>30</sup> The adoption of the committee systems which have been recommended in this report would involve a reduction of 24 Senate places. Any increase or decrease in House places cannot be estimated precisely until the system of select committees is operational. The Committee anticipates that it would not be necessary for any Senator or Member to belong to more than two parliamentary committees which have active inquiry or scrutiny roles. The Committee does not go so far as to make a recommendation on this matter, knowing how futile such recommendations have been when made in the U.S. Senate and House of Representatives. But one of the major considerations which has been taken into account is that there is no purpose in establishing committee systems which make excessive demands on the available time of Senators and Members. The reduction in the number of Senate committee places has merit. The House of Representatives has a latent capacity to take up a more intensive level of committee activity.

---

<sup>30</sup> See Appendix I for details of the committees. The figures relate to committees Nos. 1 to 22 in Appendix I. Note: Senate estimates committees have been excluded from these figures.

295           The Committee does not consider the workload generated by the recommended committee systems or the requirement that some Senators and Members be on more than one committee to be excessive.

#### Opposition chairmen

296           The question of opposition chairmanship has been raised with the Committee. A number of committees of the British Parliament are chaired by opposition members and a number of sub-committees of its Expenditure Committee have opposition chairmen. There is no tradition of opposition chairmanship in the Australian Parliament.<sup>31</sup> Whilst there are obvious advantages to be obtained on occasions, the Committee is unaware of any compelling argument to lead it to make a recommendation supporting opposition chairmanship. The Committee is firmly of the opinion that this is a decision for each committee (see paragraph 226).

#### Chairmen's Liaison Panels

297           The report has referred on a number of occasions to the establishment of Chairmen's Liaison Panels. The Committee sees merit in establishing informal but permanent techniques for determining jurisdictional disputes between committees and providing a level of integration of all committee activity. It is not suggested that such panels be enshrined in the standing orders; rather it is proposed that the panels be established by the Presiding Officers and that the Presiding Officers or their deputies maintain continuing close contact with the panels with a view to avoiding jurisdictional disputes, unnecessary duplication or general inefficiency in committee operation.

---

<sup>31</sup> There are precedents, however: (1) On the change of government in 1972 the chairmanship of the Senate Select Committee on Securities and Exchange was not altered. (2) This Committee made a Special Report to the House in April 1976 requesting that its resolution of appointment be varied to permit an opposition member to be elected chairman.

298           The Chairmen's Liaison Panels would include the chairmen of inquiry type committees. They would not include the chairmen of legislation committees.

#### Crown Privilege

299           One of the most vexed questions of committee procedure is that of the application of the rules of crown privilege. It is all very well to say that Ministers should give evidence to committees on policy matters, that public servants should give evidence on fact and that matters which are confidential for reasons of security or because they represent the confidential advice of a public servant to his Minister should not be disclosed by public servants. But what questions should or should not be asked or answered will always be one of interpretation.

300           Retreat behind crown privilege will be more likely in some cases than in others although the objective facts would appear hard to distinguish. It is clear that the more sensitive the subject the more likely it is that crown privilege will be claimed.

301           Notwithstanding the authoritative literature and knowledge of the application of the rule in other Commonwealth Parliaments the Committee finds itself unable to offer any clarification of the rules. It is clear that crown privilege is relied on by governments to protect themselves. The protection of the confidentiality of advice to Ministers or security matters is a shield behind which witnesses sometimes retreat.

302 The events in the Senate in July 1975<sup>32</sup> when the Senate attempted to question public servants on certain matters have shown that neither House is likely to overcome the use of crown privilege unless the government is prepared to release the relevant information. This is obviously applicable to committees.

#### Protection of witnesses

303 Witnesses are protected in respect of evidence given by them before committees. This protection is based on article 9 of the Bill of Rights (1688) and specifically provided for in the standing orders of both Houses, the result of which is that no legal or other action may be instituted or taken against a witness arising from evidence he has given to a committee.

304 In recent years the legal profession has taken an interest in the problems of witnesses before parliamentary committees. The N.S.W. Bar Association circulated a paper during the course of the Senate Select Committee on Securities and Exchange.<sup>33</sup> The principal Law Officers also circulated a paper on the same subject matter.<sup>34</sup> Senator P.E. Rae, subsequently Chairman of the Securities and Exchange Committee, presented a paper on the subject to the Law Society of Western Australia in 1972.<sup>35</sup> Suggestions that parliamentary committees should apply the rules of evidence of courts and that witnesses before committees should have the benefit of counsel reveal a lack of understanding of the parliamentary process. Whilst historically the committees of the Parliament

---

32 Senate Hansard 9 July 1975 (pages 2693-2711); 15 July 1975 (pages 2727-2732); 16 July 1975 (pages 2741-2793) and 17 July 1975 (pages 2801-2831).

33 Document circulated by the Registrar of the N.S.W. Bar Association, dated 24 September 1971.

34 Parliamentary Committees - Powers over and Protection afforded to Witnesses, Parliamentary Paper No. 168 of 1972.

35 The Rights of the Individual Appearing Before Senate Select Committees, 11 February 1972.

may have stemmed from the concept of the "High Court of Parliament" there is little relevant comparison between parliamentary committee proceedings and judicial proceedings. The basic rule of evidence should be commonsense. The standing orders of both Houses permit one member of a committee to require the committee to take evidence in camera (standing orders 305 (Senate) and 337 (House of Representatives)). This is a valuable safeguard.

#### Television and radio coverage

305 The Committee has not considered radio and television broadcasting of committee proceedings in detail. The resolutions of appointment of a number of Senate committees have empowered them to televise their proceedings under such rules as the Senate promulgates; but the Senate has not promulgated any rules. Therefore there is an effective ban on the televising of their proceedings.

306 There are no rules for televising House of Representatives committees. It has always been assumed however, that because the House cannot be televised without express approval similarly committees could not be televised.

307 The Joint Committee on the Broadcasting of Parliamentary Proceedings made detailed recommendations relating to media coverage of committees. The Committee has nothing to add to these recommendations.<sup>35A</sup>

#### Secrecy of committee documents

308 Senate standing order 308 and House of Representatives standing order 340 proscribe publication of any committee material which has not been authorised to be published by the Senate or House of Representatives or (in the case of standing order 308) by the committee. House of Representatives committees may publish pursuant to subsection 2.(2.) of the Parliamentary Papers Act.

---

35A See Parliamentary Paper No. 61 of 1974.

309           The resolutions of appointment of a number of existing committees permit their sub-committees to pass resolutions authorising the publication of certain documents (not reports however). Any such resolutions which purport to be pursuant to subsection 2.(2.) of the Parliamentary Papers Act could be beyond the powers conferred by the Act. This is not a satisfactory arrangement. The standing orders of both Houses should permit sub-committees to make publication orders to enable documents in their possession to be released. The Act should be amended to clarify the situation.

310           The secrecy provisions relating to committee activity are necessary but onerous. It is important that the Houses maintain authority over their committees and that the committees report first to the Houses and then to the public at large. However, the present rigid publication rules discriminate against witnesses who are not permitted to publish their submissions once they have been despatched to a committee. The Committee can see no reason why submissions which are intended to be made public should be suddenly secret simply because they have been sent to a parliamentary committee.

#### The fine details of procedural change

311           It is not possible in a report such as this to describe in fine detail all of the new standing orders or amended standing orders needed to give effect to the Committee's recommendations. There will be a need to establish a considerable number of new procedures and techniques, and conventions will need to be developed which support and strengthen the committee systems. The Committee has recommended not only amendments to standing orders and the adoption of new standing orders but also the amendment or repeal of legislation.

312           The foregoing is a matter for the Procedure Committees. The Procedure Committees will need to rely to a great extent upon the expertise of the Clerks. It is unlikely that the Procedure Committees will be able to consider detailed amendments to legislation or standing orders until the August sittings. This is not a serious problem as it is expected that the relevant parliamentary departments will require considerable time to prepare draft material for submission to the Procedure Committees when they become operational.



## CHAPTER IX

### ADMINISTRATION AND SUPPORT SERVICES

313           The first 8 Chapters of this report concentrated upon the structure of present and proposed committee systems and the procedural complexities involved in integrating the systems into the normal business of the Parliament. Only occasional references have been made to one of the most critical aspects of any committee system - research and administrative services.

### STAFFING AND RESEARCH FACILITIES

#### Present staffing and research arrangements

314           All active committees of the Australian Parliament are provided with some kind of permanent secretariat. The permanent secretariats are administered by three separate parliamentary departments. The Senate and House of Representatives Departments each have committee secretariats of about 40 people. These secretariats service all House, Senate and joint committees other than some of the domestic committees and the joint statutory committees. The Public Accounts and Public Works Committee secretariats are provided by the Joint House Department.

315           The permanent committee staff who support the investigatory committees of the Parliament are almost 100 in number. Salaries total over \$1 million per annum. The administrative costs of the committees which they service are difficult to accurately determine but could well be \$500,000 or more per year.

316 The standard committee secretariat under the control of the Senate or the House of Representatives Departments consists of a Committee Secretary, a Research Officer and an Administrative/Research Officer. These officers are paid at salaries determined by the Public Service Board at the Class 10, Class 7 and Class 5 levels in the Third Division.

Committee staffing in Britain and Canada

317 The experience of the sub-committee which visited Britain and Canada is that the Australian Parliament is particularly fortunate in having permanent committee secretariats of the quantity and quality which it has. As well, the ancillary support provided by our Parliamentary Library is at least equivalent if not better than that provided to the British and Canadian Parliaments.

318 In Britain, staff are provided to committees including committees of inquiry for the purpose of providing administrative and procedural support first, and for the provision of some research and advice, only secondarily. The secretaries of House of Commons committees are career officers of the Commons and normally have no research staff to assist them. Some British committees appoint expert consultants and advisers from the Civil Service or from the universities. This is not a common practice although it has become more usual over the last few years. The House of Commons Library does not have the capacity to provide detailed research support for the Commons' committee system.

319 The standing committees of the Canadian House of Commons and Senate are each staffed by one Committee Clerk. This officer is principally a procedural and administrative officer. The level of subject matter research and policy advice provided by committee secretariats is minimal. The Library of the Canadian Parliament does not have the capacity to provide continuing research support for all of the committees.

320           The Canadian committees make some use of consultants and technical advisers drawn from the Public Service, the universities and industry and, as well, parliamentary committee members have access to the Party research units which are funded by the government. It is understood that the total financial outlay on these Party research units is in excess of \$500,000 (Canadian) per annum. The Committee does not know what proportion of this expenditure can be related directly to the provision of research and advice to members of parliamentary committees.

321           Some committees of the Canadian House of Commons also obtain research and advice from external consultants on a contract basis. These consultants perform most if not all of the tasks which are performed by permanent committee secretariats in the Australian Parliament.

#### The evidence

322           Thirteen of the submissions received by the Committee referred to committee staffing. The submissions were in general agreement, taking the view that committees should be staffed effectively and that adequate research, secretarial and administrative support make the task of a committee easier and improve the quality of its performance. The submissions were not in complete accord as to the best means of providing the support services.

323           Witnesses generally accepted the view that committee should normally be serviced by adequately trained and remunerated research and administrative staff who are permanent officers of the Parliament but that on occasion there is merit in committees using resources other than their permanent secretariats.

324 From time to time committees have a need for technical advice which cannot be provided by permanent secretariats. This is especially the case in select committees (which are appointed to carry out one task only). It may not apply to the same extent in the situation of permanent standing committees whose staffs and members develop expertise in the subject area of the committee's jurisdiction. The National Capital Development Commission, the then Department of Urban and Regional Development, the Society for Social Responsibility in Science and the then Prime Minister each proposed that committees should expand their present practice of appointing or seconding short term specialist advisers. These could be appointed or seconded from the Public Service, from industry or from the universities.

325 It was also appreciated by a number of witnesses that the Parliamentary Library has a useful role to play in the provision of research support for parliamentary committees. The Parliamentary Librarian told the Committee that it would not be possible to expand Library research services to the point where they could provide permanent assistance to committees.<sup>36</sup> Even with considerable extension of the Library research services it would not be possible to guarantee priority to committee work. This conflict of priority is a problem which all parliamentary libraries experience. Even the U.S. Congressional Research Service, with a staff of over 800, faces the problem that its prime responsibility is to the individual member of Congress rather than to committees or committee staff.

326 Several submissions commented on the status and salary classifications of the staff of parliamentary committees. The submission of one Member of Parliament made a specific proposal relating to the salary classification of

---

<sup>36</sup> Transcript, pages 1041 and 1048.

the officer in charge of the secretariat of a major parliamentary committee. Other submissions which discussed staffing matters also suggested that the salary classification levels of parliamentary committee staff are insufficient. This deficiency would seem to have a number of separate aspects. First, it was suggested that by comparison to government committees of inquiry and similar positions in the Public Service and elsewhere, parliamentary committee staff were graded inadequately, thus making it difficult to maintain continuity of employment or to attract the most competent staff. Second, it was suggested that the staffing structures were such as to make the provision of a career service almost impossible - a factor which also affected continuity of employment and the retention of trained and experienced staff.

## CONCLUSIONS

### General

327       The Departments of the Senate and the House of Representatives maintain permanent committee secretariats. The Committee accepts that from time to time there are good reasons for using external sources of research and support such as experts and consultants from industry, the universities or the Public Service. It is emphasised however, that the principal advantage of the present system is that there is a level of continuity in staffing, that the first allegiance of the staff, being officers of the Parliament, is to the Parliament as a whole, and not to the government or a political party. The Library has the capacity to develop a client relationship with permanent committee secretariats and to provide them with a useful level of research support, although it is unlikely to ever be able to provide permanent research support to individual committees for the Library exists as a support facility for Parliamentarians as individuals.

Recommendation 24

328        The Committee recommends to the Presiding Officers that they consider the classifications of permanent committee secretariat staff with a view to ensuring that they are not disadvantaged by comparison with the salary classifications of Public Servants performing similar functions. The Presiding Officers should ensure that proper career structures are available within the committee secretariats of the Senate and House of Representatives Departments. These secretariats should be organised in such a way as to maximise the retention of trained and experienced officers by integrating them into the general staffing structures of the parliamentary departments. At the same time a satisfactory career structure must be provided for officers who see a position as secretary to a committee as the culmination of a worthwhile and fruitful career of parliamentary service.

Joint House Department staff

329        The Committee has recommended the abolition of the Public Accounts and Public Works Committees. The following paragraphs are included to meet the contingency that the recommendation for their abolition is not accepted.

330        The Public Accounts and Public Works Committees are the only 2 active committees (of more than 20 committees) which are not serviced by officers of the Senate or the House of Representatives.

331        The Committee discussed with the then Presiding Officers and parliamentary permanent heads the question of retention of the Public Accounts and Public Works Committee secretariats within the Joint House Department. Neither they nor the Chairman of the Public Accounts Committee could see any valid reason for the administration of these committees falling within the jurisdiction of a department which is essentially a housekeeping and administrative department.

Recommendation 25

332 Accordingly, it is recommended that (contingent upon the Public Accounts and Public Works Committees not being abolished) Mr President and Mr Speaker consult with a view to allocating the secretariats of the Public Accounts and Public Works Committees within the permanent committee secretariat of the House of Representatives.

HANSARD FACILITIES

333 During the visit of the sub-committee to Britain and Canada it became clear that the facilities of those Parliament to produce transcripts of committee meetings or committee hearings are far superior to those currently available in the Australian Parliament.

334 In Canada, printed committee transcripts are available within 48 hours of the committee meeting. This is an even more noteworthy achievement when it is remembered that the Hansards are printed in two languages. In Britain it is normal for standing committee Hansards to be available the next day.

335 The Canadian and British committee transcripts are seen as an essential aspect of committee operation and the same attention is paid to providing transcripts as is paid to providing the Hansards to the Houses themselves. The Canadian House of Commons committees meet for up to 72 hours each week. The British standing committees were meeting for many more hours than this when the sub-committee visited Westminster.

336 Three submissions received by the Committee made specific reference to the provision of Hansard services. It was alleged that the arrangements for provision of committee transcripts were unsatisfactory and that the present level of

committee activity needs to be accompanied by a proper review of reporting and transcript printing arrangements. It was alleged that the current practice of recording committee hearings by electronic means produces a less accurate transcript and creates delays in the provision of the transcript.

337 The submission from the Clerk of the House of Representatives correctly pointed out that the establishment of legislation committees would necessitate the provision of additional Hansard facilities as it would be essential that legislation committee proceedings be reported on a 24 hour basis.

338 The Committee took evidence from the Presiding Officers and from the Principal Parliamentary Reporter. It has accepted that the Principal Parliamentary Reporter has difficulty in recruiting competent staff at all levels of reporting activity. The Government Printer gave evidence to the Committee suggesting that the provision of more sophisticated equipment for the Printing Office would generate the capacity to improve the provision of transcripts. It is understood that this matter is currently under review by the parliamentary departments and the Printer.

339 The Committee is not in a position to make specific recommendations concerning the staffing of the Principal Parliamentary Reporter's department or the details of the jobs which are performed in that department. The Parliament is advised, however, that there is a need to upgrade the services provided by the reporting staff and that this need will become even more imperative with the establishment of the committee systems recommended in this report. It is suggested to the Presiding Officers that they immediately institute an assessment of the operational arrangements of the reporting



service with a view to providing it with the capacity to handle its present workload and to expand to handle projected higher workloads.

340 The preceding paragraphs should, perhaps, be qualified by pointing out that verbatim transcripts may not always be an essential part of a committees records. There are occasions when there is no need for verbatim transcripts. Committee chairmen must always question the need for a complete record of evidence, informal discussions and committee deliberations. There are occasions when material should be dealt with as exhibits rather than being incorporated in transcripts.

#### FINANCING PARLIAMENTARY COMMITTEE OPERATIONS

341 The British and Canadian Parliaments appear to exercise greater autonomy in relation to the expenditure of funds than does the Australian Parliament. This autonomy extends into the area of committee operations. In Canada, committee arrangements which involve large or unusual expenditure, such as overseas travel, etc. are normally approved by the House as a whole. The Committee is not aware that such applications are ever rejected by the House.

342 The British committees funds are provided by the Department of the Clerk. Expenditure on committee operations is considered by the Chairmen's Liaison Panel. This panel apportions the funds available for committees overseas visits and other major expenditure, subject to the Presiding Officer's final approval.

343 Official and final authority for expenditure rests with the Houses in both Britain and Canada. The situation is somewhat different in Australia in that whilst Australian committee activity is funded by the Appropriation Acts under

the headings of the parliamentary departments some committee expenditure, even though it may be financed by existing appropriations, must be further approved by the government.

344 The present arrangement for financing committees is that the main Appropriation Act each year includes under the votes for the Parliament, specific provision for parliamentary committees. For the current financial year the appropriations are:

. Senate committees	\$ 92,000
. House of Representatives committees	\$100,000
. Public Works Committee	\$125,400 <sup>37</sup>
. Public Accounts Committee	\$100,100 <sup>37</sup>

Rough estimates of the additional costs of Senate and House staffed committees would be in the order of \$1 million. All of these funds are controlled by one or both of the Presiding Officers and through them by their officers - the Clerks of the Senate and the House of Representatives and the Secretary, Joint House Department.

345 The then Speaker, Mr Scholes, proposed that the present arrangements for funding all of the operations of the Parliament should be modified. He thought it inappropriate that the expenditure incurred by the parliamentary departments in servicing the Houses should be a component of the government's Appropriation Bills and suggested that the Parliament should be funded separately. Other witnesses also suggested that the Parliament should not be dependent upon the government or upon Treasury decisions for the funding of its operations. Constitutional provisions prevent the Parliament appropriating funds without a message from the Governor-General. Obviously government agreement is needed, at least on the first occasion. However, the problem is not insoluble.

---

<sup>37</sup> The figures for the Public Accounts Committee and the Public Works Committee include salaries. The figures for Senate and House committees do not include salaries or such matters as office equipment, etc.

346           The Committee makes no recommendation on this matter but points again to the greater level of financial independence of the committees of the British and Canadian Parliaments and to the inappropriateness of the present arrangements whereby parliamentary activity, including parliamentary committees, can be curtailed by government financial restrictions. The Committee considers that the Presiding Officers alone should be responsible for determining the funds required for parliamentary committee operations and the methods of expending these.

#### ACCOMMODATION

347           The Parliament has suffered serious accommodation problems for many years. All Members of the House of Representatives will be aware of the inadequacy of their office accommodation and of the inability of the Houses to provide enough committee rooms to meet present demand.

348           Any extension or expansion of the committee system will place an even greater strain on the existing facilities of Parliament House. Nevertheless, the Committee does not consider that the presently inadequate committee accommodation arrangements should deter it from making recommendations which will require better committee accommodation before they can be fully implemented. If the Parliament is to function effectively then the basic necessities must be provided to enable it to develop its procedures and improve its functioning.

349           Recognising the existing accommodation problems, witnesses have made varying suggestions including the provision of additional buildings adjacent to Parliament House and the extended use of the conference rooms in the old Hotel Canberra - now a Parliamentary Annex which houses all committee secretariat staff. It is also pointed out that

considerable areas of Parliament House are currently occupied by people who have no need for accommodation in the building.

350           The Committee does not wish to make detailed technical recommendations to the Parliament in relation to provision of committee rooms. But it stresses that legislation committees will require committee rooms of a somewhat different nature to those which are available at present and that the appointment of active subject matter committees in the House of Representatives will increase the current demand on committee rooms. Additional accommodation is needed immediately adjacent to Parliament House. The cost of such additional accommodation could be substantial. The Committee leaves it to the Parliament to weigh the cost of building against the benefit of improved parliamentary scrutiny.

## CHAPTER X

### INFORMATION ABOUT THE INQUIRY

#### History of the Committee

351           The first motion for the appointment of the Committee was moved by the Leader of the House of Representatives on 22 August 1973. The motion was debated by the House on 28 August 1973 and carried without division. The Senate did not debate the motion and it lapsed at the dissolution of the 28th Parliament on 11 April 1974.

352           Early in the life of the 29th Parliament the government again moved for the appointment of the Committee. On 17 July 1974 the House agreed to the motion of the Leader of the House. The resolution of appointment was agreed to by the Senate, with amendments, on 17 September 1974 and the House accepted these amendments on the following day.

353           An Interim Report was tabled in both Houses on 15 October 1975. The Committee anticipated that it would be able to produce a final report soon afterwards. The text of a final report was ready for discussion by the Committee when the Parliament was dissolved on 11 November 1975.

354           Early in the life of the 30th Parliament the new Prime Minister proposed the reappointment of the Committee without any change in its terms of reference. The House passed the resolution on 17 March 1976 and the Senate concurred on the following day.

355           The appointment of the Committee had been anticipated in the Parliament for some years. In the late 1960s there was pressure for reform of the Senate committee system. This culminated in the appointment of the Senate

legislative and general purpose committees and estimates committees in 1970. In that same year the then Speaker of the House of Representatives proposed the creation of a wide ranging system of committees for the House of Representatives. Nothing came of the proposal. The initial appointment of this Committee in 1974 and its reappointment in 1976 are attributable to efforts of the present Prime Minister and Leader of the Opposition which date back over a decade.

#### Membership

356           The Committee has been fortunate in that of the 13 members who deliberated on the Interim Report tabled in the 29th Parliament, 9 were reappointed to the Committee in the 30th Parliament. This level of continuity of membership has been important in enabling the Committee to report early in the life of the 30th Parliament. The Committee appreciates the contribution made by all former members. The past chairmen of the Committee deserve special mention. The Hon. G.G.D. Scholes, M.P., was chairman of the Committee from its appointment until 27 February 1975 (on which date he was elected Speaker). Dr H.A. Jenkins, M.P., was elected chairman of the Committee on 5 March 1975 and continued to serve in that capacity until the dissolution of the 29th Parliament. He was elected deputy chairman at the inaugural meeting of the Committee in the 30th Parliament and occupied the role of acting chairman during many of the meetings of the Committee.

#### The terms of reference

357           The Committee has interpreted its charter broadly. Its task is to propose the most effective possible committee system for the Parliament. This system must complement the work of the Houses as a whole. The Committee also has a responsibility to identify the procedural problems of integrating a new system into the procedures and practices of

the Houses and highlight, if not resolve, administrative questions such as committee staffing and financing.

#### The inquiry

358           Between September 1974 and June 1975 the Committee concentrated its attention on the first paragraph of its terms of reference - a new system. The Committee and its sub-committees met 25 times. Submissions were received from 26 persons and organisations and oral evidence was taken from 32 witnesses, 5 of whom appeared on more than one occasion.

359           By May 1975 the Committee had heard all available evidence and comment on committee systems. It had heard persuasive evidence to the effect that the British and Canadian committee systems had much to offer our Parliament. A sub-committee was sent to Westminster and Ottawa to gain first hand knowledge of committee operations there. It spent one week in each Parliament. This visit was invaluable.

360           The sub-committee made 2 reports to the full Committee. The first report traversed the entire range of the Committee's inquiry describing and evaluating the British and Canadian committee systems and their procedural and administrative arrangements. It contained subjective evaluation and included confidential records of the informal conversations which the sub-committee had with Members and officers of the British and Canadian Parliaments. This confidential sub-committee report should not be lost to posterity. Accordingly, copies have been lodged with the Presiding Officers. This report will be of continuing use to procedural committees and senior officers of the Parliament.

361           The second report of the sub-committee related only to those aspects of the British and Canadian parliamentary committee systems relevant to paragraph (a) of the terms of

reference. The sub-committee drew together the evidence which had been taken in Australia and the observations which it had made during the course of its visit. A number of recommendations were made concerning the nature of committee systems which the full Committee might recommend to the Parliament. The sub-committee requested the full Committee to publish this report with a view to generating comment and response. Accordingly, on 15 October 1975 the full Committee presented an Interim Report which briefly summarised the progress which the Committee had made to that point and included the full text of the sub-committee report No. 2.

362 A dissent was added to the Interim Report. Dr A.J. Forbes, M.P., in dissenting from the Interim Report, stated that, whilst not disagreeing with any of the views expressed in the sub-committee report he did not support the practice of tabling unratified sub-committee reports and using them as white papers.

363 The Committee then proceeded to the final stage of its inquiry. On 20 October 1975 evidence was taken on the procedural and administrative problems raised by the system proposed in the Interim Report.<sup>38</sup>

364 Since its reappointment in the 30th Parliament the Committee has held 5 meetings. There was no need to solicit further evidence, but there was a need to substantially update the draft report prepared for tabling in the 29th Parliament and consider the effects of recent changes made to the existing committee system.

365 Notes on some of the techniques used by the Committee and some of its procedural and administrative problems are attached as Appendix K.

---

<sup>38</sup> Evidence was taken from 19 witnesses, including the Presiding Officers, the permanent heads of the Parliamentary Departments and the Chairman of the Public Works Committee.



## CHAPTER XI

### THE PRESENT SYSTEM OF COMMITTEES IN THE AUSTRALIAN PARLIAMENT 39

#### Basic statistics

366 On 14 May 1976 there were 38 parliamentary committees. Almost 30 of these were actively investigating specific matters. These committees are described in Appendix I. Senators sit on 28 of the committees, Members of the House of Representatives sit on 17.

367 The total number of committee places is 170 in the Senate and 139 in the House of Representatives. It can be seen therefore, that, on average, a Senator must be on approximately 3 committees and a Member of the House of Representatives is likely to be on more than one committee. Appendix L includes a detailed analysis of Senators' and Members' committee membership as at 14 May 1976.

368 It is only in the last few years that the Australian Parliament has made extensive use of committees. Appendix M contains lists of inquiry committees (and the number of their reports) from 1901 to 1969 and 1970 to 1975. It can be seen that of 146 committees appointed since 1901, 56 (38%) have been appointed in the last 6 years. Of the 211 reports they have tabled 108 (51%) have been tabled in the last 6 years.

369 The data reported above do not include the long standing Public Accounts, Public Works and Regulations and Ordinances Committees. Analysis of these committees

---

39 Information and statistics provided in this Chapter and in the Appendixes which relate to this Chapter are effective and accurate as at 14 May 1976.

reporting rates (Appendix N) shows that they also have been more active since 1969 than they were in the preceding period. More than one-third of the reports of these committees have been tabled since 1969.

#### The development of the committee system

370 In the earlier years of Federation a relatively small national Parliament found little need to delegate work to committees or to have them carry out specific tasks on its behalf. Standing Committees on Public Accounts and Public Works were established in 1913 and these committees have continued in existence, although with changing functions and some interruptions, since then.

371 Some interest in the use of committees was evinced in the 1920s. This led to a select committee of the Senate being appointed "to consider, report and make recommendations upon the advisability or otherwise of establishing standing committees of the Senate upon (a) statutory rules and ordinances; (b) international relations; (c) finance; (d) private Members' Bills, and/or such other subjects as may be deemed advisable".<sup>40</sup> The select committee reported on 9 April 1930.<sup>41</sup> It recommended the establishment of a Standing Committee on Regulations and Ordinances. It also recommended that the Senate appoint a Standing Committee on External Affairs and that provision be made for the appointment of such further standing committees as the Senate may from time to time desire to establish. The Regulations and Ordinances Committee was established as a consequence of the report.

---

<sup>40</sup> Senate Journals, No. 9 of 1929-30-31 (5 December 1929).

<sup>41</sup> Parliamentary Paper No. S.1 of 1929-30-31.

372 In 1932, only two years after the Senate select committee had reported, it was decided that the operation of the Public Accounts Committee should be suspended, as an economy measure. It was re-established in 1951. This could be an accurate measure of the level of interest in committees at that time.

373 During the Second World War the government sponsored the establishment of a number of standing committees. Six joint committees were established and were quite active for a few years. None was reappointed after the 1949 election and between the mid 1940s and the mid 1960s there was very little committee activity within the Parliament.

374 A report to the Senate by Mr J.R. Odgers, then Clerk-Assistant, was presented by the President in May 1956. In his report Mr Odgers suggested that an additional function for the Senate was "a standing committee system on the American model to watch and appraise the administration of the laws and to inform public opinion in relation to certain defined fields of governmental operations . . .".<sup>42</sup> Mr Odgers suggested 11 subject headings for standing committee. Thirteen years later, in August 1969, the Standing Orders Committee commissioned Mr Odgers, as Clerk of the Senate, to submit a paper on standing committees. Thus the question of establishing a permanent and comprehensive committee system in the Senate was again raised publicly.

---

<sup>42</sup> U.S. Senate - Report by J.R. Odgers. Parliamentary Paper No. 36 of 1956 (page 20).

The Senate 1966-1975

375 Between 1967 and 1969 the Senate appointed select committees to inquire into a number of broad issues of national importance on some of which the government had not generated any particular policy or attempted to exercise legislative control.

376 These committees were followed by a report from the Standing Orders Committee of the Senate.<sup>43</sup> This report incorporated the report which the committee had commissioned from the Clerk of the Senate. The report of the Clerk of the Senate pointed out that during the previous session the Senate had appointed five select committees to inquire into matters of concern and that whilst there was a very real place for this type of special committee it was submitted that standing committees were the strength of any committee system. The report recommended the establishment of 6 standing committees. The 6 committees were not designed to encompass the entire spectrum of governmental interest and activity. They were designed to cover areas to which the Parliament paid little attention at the time.

377 The matter was debated at some length in the Senate and on 11 June 1970<sup>44</sup> the Senate resolved to appoint a broad ranging system of 7 standing committees which covered the entirety of government activity. The committees' titles were:

- (a) Standing Committee on Foreign Affairs and Defence
- (b) Standing Committee on Constitutional and Legal Affairs
- (c) Standing Committee on Health and Welfare
- (d) Standing Committee on Finance and Government Operations
- (e) Standing Committee on Education, Science and the Arts
- (f) Standing Committee on Social Environment
- (g) Standing Committee on Primary and Secondary Industry and Trade.

---

<sup>43</sup> The Senate - Report from the Standing Orders Committee relating to standing committees, dated 17 March 1970. Parliamentary Paper No. 2 of 1970.

<sup>44</sup> Senate Journals No. 35 of 1970-71-72, page 187.

378 Each committee was empowered to look at matters referred by the Senate including Bills, estimates, statements of expenditure, messages, petitions, inquiries or papers. The committees were gradually established over the ensuing two years and have been known as "legislative and general purpose committees".

379 In 1970 the Senate also decided to extend its committee activity by considering departmental estimates in small committees rather than in Committee of the Whole. Committees were appointed to deal with the estimates of those departments which fell within the portfolio or representation of each Senate Minister. In 1970 there were 5 Ministers in the Senate; thus there were 5 estimates committees (A to E). At present there are 6 Ministers in the Senate; thus there are 6 estimates committees (A to F).

380 During the last 5 or 6 years the Senate has also exercised its right to appoint select committees to inquire into matters of interest and concern. It has also continued to participate in joint committees.

381 In recent years there has been a discernible tendency for the Senate to be less attracted by joint committees and to be more concerned with its own committee system. A by-product of this attitude has been that there has grown up a partial House of Representatives committee system which would not have been purely a House of Representatives system if the Senate had been more willing to continue to participate in joint committees.

382 In late 1975 there were 32 active committees on which Senators sat. A total of 190 Senate committee places had to be filled. This burden was made heavier by the propensity of the Senate to refer matters to the legislative

and general purpose standing committees. The Senate Notice Paper of Tuesday, 21 October 1975 listed 32 matters which had been referred to the committees in previous sessions. The committees had only reported on 18 of these. The Notice Paper also listed 10 matters referred during the current session. The committees had only reported on 5 of these. The backlog of work before the 8 legislative and general purpose committees was beyond their capacity.

#### The House of Representatives 1966-1975

383 The House of Representatives has never made as much use of committees as has the Senate (see Appendix M).

384 On 1 June 1970 the then Speaker, Sir William Aston, circulated to Members of the House of Representatives a proposal which he had put to the Standing Orders Committee. The proposal suggested that the House of Representatives develop a committee system along similar lines to the Senate. It was recommended that 7 standing committees be appointed at the commencement of each Parliament. The standing committees had clearly specified jurisdictions which covered all government departments.

385 The day after the Speaker's paper had been circulated the then Leader of the Opposition, Mr E.G. Whitlam, Q.C., M.P., proposed a matter of public importance, namely "the need for the Parliament to develop a system of standing committees which, on reference by either House, could consider any Bill or other matter which has come before that House or any matter which is within Commonwealth responsibility".<sup>45</sup> Mr Whitlam referred to the "marginal utility of longer sitting hours alone".<sup>45</sup> He pointed out that the major problem of the Parliament was that the machinery did not exist for members to carry out each or all of their

---

<sup>45</sup> House of Representatives Hansard No. 68, 1970, pages 2719-2722. Votes and Proceedings No. 31 of 1970, p. 172.

proper functions effectively and simultaneously. He proposed that a system of joint standing committees would be constitutionally proper, would avoid deadlocks between the Houses and would enable debate and discussion at a level above that attainable in the Chamber. Mr Speaker's paper and the Leader of the Opposition's matter of public importance both suffered the same fate. They were not dealt with at any length by the House and the government made no move to adopt any of the proposals.

386           During the 1970s the governments of the day permitted a gradual ad hoc extension of committee activity in the House of Representatives. In late 1974 when the Joint Committee on the Parliamentary Committee System was established there was a growing concern that the committee activities of Members of the House of Representatives were placing too great a demand on their time. By 1974 the House had established 3 standing committees, 2 of which were the successors of previous select committees. Members of the House were involved with the normal joint statutory committees and other joint committees of long standing such as the Committees on Foreign Affairs and Defence and the Australian Capital Territory. Members of the House were involved in 2 joint select committees, both of a relatively domestic nature and there was a select committee of the House inquiring into specific learning difficulties.

387           At present Members of the House of Representatives are involved with 17 separate committees and the total number of committee places for Members of the House is 139. Despite this considerable workload there is no doubt that the committees on which Members of the House of Representatives are involved only look into a small proportion of the areas of interest or of government activity which might properly be pursued by committees.

388 Amongst the reasons for the House of Representatives making little use of committees during its 75 years of existence have been the relatively small size of the House, especially prior to 1950; the lack of governments' willingness to subject themselves to diligent backbench scrutiny; and the role which Members of Parliament and their electorates perceive for Members (that of a local representative, social worker and ombudsman rather than that of legislator and scrutineer). It appears that this final reason stems from an attitude which is peculiar to Australia. It is not experienced to the same extent in comparable Westminster system Parliaments or in most other parliamentary systems.

#### Joint committees

389 Over the years there have been established a number of joint committees which have become permanent fixtures in the Parliament. The 3 joint statutory committees - Public Accounts, Public Works and Broadcasting of Parliamentary Proceedings, have had unchallenged places within the framework of the Parliament. Two other joint committees have been in existence for decades - Foreign Affairs and Defence, and the Australian Capital Territory.

390 As well, several domestic committees of the two Houses meet jointly. In fact, the only domestic committees which do not meet jointly are those which are concerned with procedural matters - the Standing Orders Committees, and the Privileges Committees.

391 In recent years joint committees have been used to conduct a number of major inquiries which are of particular relevance to the functioning and structure of the Parliament. The Joint Committee on the New and Permanent Parliament House was first established in 1965 and successive committees were appointed until a final report was tabled in 1970. This



committee was reconstituted in 1975 with a slightly different title and permanent functions. The Joint Committee on the Broadcasting of Parliamentary Proceedings conducted a major inquiry into the televising of Parliament during 1973 and 1974. The Joint Committee on the Pecuniary Interests of Members of Parliament was appointed in late 1974 and reported on 30 September 1975.

#### The need for change

392 The impetus for change in the present structure of the committee systems of the Parliament came principally from those who felt that the House of Representatives had in some ways ignored its proper responsibilities to adequately scrutinise and investigate many areas of government activity which are presently uncontrolled or are left to the committee system of the Senate for examination. There are a number of Senators and Members who believe that the House has wrongly abrogated its role of scrutiny of government expenditure.

393 The terms of reference of this Committee refer to the need to institute "a balanced system of committees". There is little doubt that the present structure of committees in the Senate and the House of Representatives is not balanced. The imbalance identifies itself in 5 ways:

(a) The committees of the Senate have excessive workload. Senators normally have multiple committee memberships. The Senate is obliged to take on a committee workload which is excessive because the House has not taken up some of this work.

(b) The committee system of the House of Representatives has developed on an ad hoc basis. At present there are 5 inquiry committees which are comprised of House of Representatives members only and there are 6 active joint committees of inquiry. It could not be suggested that the 11 committees on which these members serve embrace a major part of the areas of executive activity which the Parliament should be scrutinising.

(c) The development of separate committee systems in the two Houses has led to a duplication of effort in a number of cases. There are no facilities for dealing with such duplication or avoiding it.

(d) The House of Representatives, the House of government which initiates all money legislation, had, until 1976, made no provision for effective scrutiny of departmental estimates or government expenditure. This is a function which has been taken up by the estimates committees of the Senate and, to some extent, by the Public Accounts Committee. But a Parliament's committee system will lack balance if the lower House does not concern itself with financial scrutiny.

(e) There is a growing appreciation that the Parliament must reorganise its methods of dealing with its responsibilities. The areas of interest of the Australian Government and of members of the Australian Parliament are continually increasing. The number of members of the House of Representatives and the Senate is not increasing and will never increase at the same rate as the workload. It is necessary to find some technique which will enable the Parliament to better handle all of the matters with which it should concern itself. An inappropriate proportion of time is spent on business in the plenum compared to the time which should or could be spent in microcosms of the House which would reach the same conclusions and have the same effects but operate more economically and productively.

#### The functions of the Parliament

394 A number of witnesses who made submissions to the Committee attempted to specify the functions of Parliament. It is generally agreed that the Constitution provides that the Parliament has one basic function - that of legislating for the peace, order and good government of the nation. It is also becoming clear, however, that the Parliament must accept other customary functions - the financial function and

the critical function. The Clerk of the House of Representatives expanded upon these matters in his submission to the Committee and suggested that the House of Representatives, at least, must appoint committees to deal with legislation so that it can allocate more effective time to scrutiny of legislation; appoint an expenditure committee to enable the financial function to operate more effectively without taking up a great deal of the time of the House and appoint a number of standing committees which can exercise part of the critical function of the House. The financial and critical functions are not carried out effectively by the House of Representatives. They cannot be carried out effectively by the House as a whole - the House must legislate, it must provide a forum for policy proposals and generate debate on the great issues of the day. It is not economical to use a House of 127 to consider details of financial scrutiny or to properly criticise or scrutinise government activity.

395 The submission of Professor Reid specified 4 functions of the Parliament:

- (a) legislation;
- (b) providing a forum for public debate;
- (c) general oversight of the Executive;
- (d) providing advice to the Government in areas of new policy.

The Committee does not take issue with Professor Reid's categories of the functions of the Parliament and has attempted in this report to describe means by which the Parliament can more efficiently carry them out. It can only do this by using an extensive and balanced system of committees. The theme running through Professor Reid's submission is that the functions of members of Parliament can only be properly performed if the structure in which they work is able to develop and move with or ahead of their needs

It is absolutely essential that members be provided with the proper techniques to enable them to perform their functions effectively. There must be continual adaptation and reassessment of the existing practices and procedures of the Parliament and a strengthening of the supporting facilities which the Parliament provides to its members. The most obvious method of meeting these demands is through the establishment of effective committee systems which are properly budgeted, well staffed and which can be integrated sensibly into the day to day business of the Houses and their members.

The present committee workload; the effectiveness  
and success of committees

396 In carrying out this inquiry the Committee felt obliged to evaluate the proposition that an expanded system of committees is required, by eliciting evidence to indicate:

- (a) that committees are successful and have useful and important functions, and
- (b) that it is possible to increase their success and improve their efficiency by rationalising the framework within which they are established.

397 The Committee made an assessment of the success of parliamentary committees which operated between 1969 and 1974 (other than the Public Accounts and Public Works Committees). During this period 14 Senate committees reported to the Senate, 7 committees of the House of Representatives reported to the House and 7 joint committees reported to both Houses. These 28 committees tabled more than 100 reports containing almost 1,000 recommendations to the government and/or the Parliament. The Committee secretariat surveyed every governmental instrumentality to which recommendations had been made. The secretariat asked whether the recommendations had been accepted and implemented; whether they had been accepted but not implemented; whether no decision had yet been taken;

and whether they had been rejected or had become obsolete. Scheduling of the replies showed that more than 60 per cent all recommendations made by the committees had either been accepted in full or in part by governments.

398 It has often been suggested that parliamentary committees are not efficient or effective because the Parliament rarely debates their reports. During the period 1969 to 1974 only 24 of a total of 115 reports presented were debated. It is not possible to judge the success of a committee by simply quantifying the number of debates which have occurred in the Parliament as a consequence of committee reports. Committees provide a public forum for members of Parliament and for those outside the Parliament. Committee may lead public opinion and may do no more than generate public awareness or parliamentary awareness of an area which has until then not been considered important or of concern. Committees are an excellent vehicle for providing members of Parliament with expertise in particular areas and enhancing the contribution which they are able to make in debate, in the Party rooms and in the formulation of policy.

399 The Committee's general conclusion is that parliamentary committees are often successful in persuading governments to take the course of action which they recommend and they also have intrinsic value in that they provide an otherwise unavailable public forum.

400 There is a need for members of both Houses of the Parliament to participate in the broadest range of committee activity possible. This will facilitate proper scrutiny of government activity, of government finance and of government legislation and it will also contribute materially to the work of each House. It is important that a system of committees be properly balanced, that duplication of effort

be minimised and that Senators and Members not undertake a committee workload which is unreasonably excessive. It is also important that the committee structure be so designed as to minimise the administrative problems which committees often face, prevent them from operating efficiently and reduce the motivation of their members. Appendix L contains an analysis of current committee membership. It can be seen that some Senators are members or even chairmen of a considerable number of committees. It can be seen that some Members of the House of Representatives also have very high committee workloads but that others have little contact with parliamentary committees. Ideally, the workload should be evened out.

## CHAPTER XII

### THE EVIDENCE; THE EXPERIENCE OF THE SUB-COMMITTEE WHICH VISITED BRITAIN AND CANADA AND THE GENERAL CONCLUSIONS OF THE COMMITTEE

#### General

401 Twenty-six persons and organisations made submission to the Committee. Oral evidence was taken from 32 separate witnesses, 5 of whom appeared on more than one occasion. Each witness had given careful consideration and thought to the kind of committee system which would best facilitate the functioning of the Houses and of the Parliament as a whole. But no 2 witnesses made proposals which were identical. The material upon which the Committee based its conclusions fell into 4 categories: the various proposals put to it by witnesses; existing committee systems; committee systems of other Parliaments; and the experience of the Committee's own members.

402 The central issues which were put to the Committee during the taking of evidence and which were considered by the sub-committee which visited Britain and Canada were:

- (a) whether there should be one committee system for the Parliament or whether each House should have its own committee system to meet its own needs;
- (b) the best method of using committees to facilitate the consideration of legislation;
- (c) the best method of using committees to aid the Parliament in carrying out its role of financial scrutiny;
- (d) the best method of using committees to carry out its role of general scrutiny of executive action;
- (e) the problems associated with changing the existing systems;
- (f) the best techniques for integrating committee systems into the procedures of the Parliament; and

- (g) the administrative and other arrangements which must be made to properly support committee activity.

Overseas comparisons

403 Many of those who appeared before the Committee or made submissions to the Committee referred to the committee systems, procedures and practices of other Westminster-style Parliaments.

404 It is important to understand that there is no other Parliament sufficiently similar to the Australian Parliament to enable more than broad generalisations to be made when comparing committee systems. Certainly none is sufficiently similar to enable the direct transfer of systems of committees to the Australian Parliament. This point was not appreciated fully by the Committee during the early stages of its inquiry. It was not until its sub-committee had visited Westminster and Ottawa that it became clear that there are limitations in the committee systems of those Parliaments even though they may appear, on paper, to effectively carry out their functions - functions which committees of our Parliament should carry out.

405 These limitations become even more important when the structural differences between the 3 Parliaments are considered. The constitutional relations of our two Houses differ from the relationships of the British and Canadian upper and lower Houses.

406 Although our Houses' roles are constitutionally important it must be remembered that this issue has the capacity to generate considerable empty and sterile debate. For practical reasons this Committee has avoided an undue emphasis on the constitutional differences between the two Houses of our Parliament. It is stressed that both Houses contain members of political parties who have been elected to



the Parliament to legislate and to scrutinise. Theoretical distinctions between members of one House and members of another House are not important when it comes to consideration of how a committee can best carry out one of these functions or whether a committee of the Senate, of the House of Representatives or of both Houses might be more appropriate for a particular task. The Committee has taken the attitude that constitutional differences between the Houses do not create a barrier to a logical division of committee work between them. The constitutional differences are not sufficient to deny that there are also occasions when efficiency can be achieved, without sacrificing the identity of a House, by using joint committees.

#### Joint committees

407 In general, this Committee does not support the extensive use of joint committees. Its attitude does not depend upon constitutional arguments or arguments about the proper roles of the two Houses. Its attitude has been developed more by an understanding that joint committees suffer administrative problems which are not common to committees of one House; that they are inevitably larger than one House committees and hence less flexible and efficient; and that it is possible to establish sensible methods of avoiding overlap of function and duplication of inquiry without establishing a committee system which is completely a joint system. It is also recognised and asserted that each House must always maintain the right to be master of its own procedures and that duplication of inquiry might, from the point of view of a particular House, be politically and strategically desirable.

408 A number of witnesses who appeared before the Committee put forward strong arguments in support of the establishment of a joint committee system. The then Prime

Minister, pursuing a view which he has long held, asserted that joint standing committees empowered to deal with legislation, inquiries, financial scrutiny and other matters would reduce the confrontation between the two Houses and prevent duplication of evidence. A number of other witnesses supported the establishment of a joint committee system, arguing that the present joint committees appear to work reasonably effectively, that they enable each House to allocate a smaller number of members to each particular committee, that duplication is inefficient and that differences between the Houses could be resolved better within committees than by passing messages backwards and forwards across Kings Hall.

409           Witnesses who supported the proposition that each House should have its own independent committee system pointed out that the Senate committee system does not depend on government majorities on committees. The Senate can be the master of its own committees rather than the government. At one extreme it was argued by the Clerk of the Senate that "joint committees subvert bicameralism"<sup>46</sup> and that the constitutional roles of the two Houses are sufficiently different to render joint committees improper. On a more moderate note a number of other witnesses argued that duplication is not necessarily inefficient; that each House should be entitled to be master of its own procedures and establish committees particularly relevant to the functions of the House (institutional committees); that the allocation of priorities in joint committees would always rest with Members of the House of Representatives who would be more numerous if they were to be represented on a 2 to 1 basis whilst, on the other hand, if members of both Houses were on joint committees in equal numbers then the Senate would not have the capacity to provide Senators to serve on all the committees which might be envisaged.

---

<sup>46</sup> Transcript of evidence, page 130.

410           A very important factor supporting the recommendation of separate committee systems was the experience of this joint committee of 13 which repeatedly had difficulties in obtaining quorums or, when sub-committees were appointed to avoid that difficulty, experienced problems in maintaining a proper balance of representation between the parties and between the Houses on its sub-committees.

411           Senate standing orders prescribe that Senators may not sit on committees whilst the Senate sits. This restriction does not apply in the House of Representatives. The general conclusion of this Committee is that the Senate is most unlikely to change this rule in the near future whilst it will continue to be the practice of House of Representatives committees to sit concurrently with the House. This deadlock militates against the appointment of joint committees.

412           The experience of the sub-committee which looked at the committee systems in Britain and Canada was that joint committees are rarely used. It is unlikely that the constitutional differences between upper and lower Houses in the British and Canadian Parliaments provide the main reason for this lack of use. Generally, the Houses of the British and Canadian Parliaments are jealous of their own rights and their own identity and have little desire to use joint committees other than for domestic matters or on relatively rare occasions when the practical and political advantages outweigh the administrative and constitutional problems.

413           Whilst this Committee sees a role for certain joint committees (there must always be joint committees to deal with domestic issues such as the New and Permanent Parliament House or Broadcasting) it does not support the establishment of joint committees under normal circumstances. It is stressed, however, that it is imperative that effective methods of

liaison between committee chairmen of the two Houses be established and that the Presiding Officers assert their authority over the activities of committees.

#### Legislative committees

414 A majority of the witnesses who appeared before the Committee supported the use of committees to consider legislation. There are two aspects of committee consideration of legislation: consideration of the text with a view to making or suggesting amendments; and consideration of the underlying policy. Witnesses were in some disagreement as to the emphasis which should be placed on these two functions.

415 Virtually every other Parliament known to the Committee uses its committee system to scrutinise the text of legislation and/or to consider the policy issues raised in legislation. The British and Canadian Parliaments have rather different systems, each system being geared to the particular demands and needs of its Parliament and its government. The task before the Committee was not so much one of establishing whether a need existed to establish committees to deal with legislation on a systematic basis, but rather the problem was to identify the types of committees which would be most appropriate to the Australian Parliament bearing in mind the factors which are peculiar to our Parliament and our system of government.

#### Subject matter committees and committees

##### with a financial role

416 At present there are 15 active subject matter committees (standing or select). There are 3 committees which have a financial role and, as well, the Senate makes use of 6 estimates committees.

417           Despite the existence of 20 or so committees established to enable the Parliament to carry out its role of scrutinising the administration of the Executive and of investigating issues of concern there are still sizeable areas of government activity which are not properly surveyed. None of the witnesses who appeared before the Committee considered the present system to be totally satisfactory. However, there was little consensus between witnesses as to the best methods of establishing a total surveillance of government activity and areas of interest to the Parliament. The only unanimity lay in a consistent attitude that the committee system should be strengthened and rationalised to enable better scrutiny of governmental activity.

418           Few witnesses considered that financial control was satisfactory. Suggestions for improving financial control included the establishment of estimates committees in the House of Representatives, the strengthening of the Public Accounts Committee and the establishment of an Expenditure Committee in the House of Representatives.

419           The inquiries of the Committee have elicited a general attitude within the Parliament (and outside it) supporting the strengthening and extending of the Parliament's committee systems to adequately cope with the roles of scrutiny of the Executive and scrutiny of government financial arrangements. This attitude is one which prevails in other Parliaments and upon which other Parliaments have acted. Both the British and Canadian Parliaments have developed committee systems to suit their own needs which provide this heightened level of scrutiny.

#### Conclusion

420           The task before the Committee has been not one of establishing whether the need exists but of establishing the best method of meeting the need.

421 This report makes many recommendations for change. The Committee has considered all aspects of the present committee systems in detail. It has heard argument for change, for amendment or, in some cases, for retention of present committees. It appointed a sub-committee which gained first hand experience of the activities, the advantages and the problems of the committee systems of the two most comparable Parliaments.

422 The report represents an honest attempt to meet all valid criticisms of the present system and to provide a framework for future committee activity in years to come. It is commended to the Parliament with the warnings that reform is necessary and that inadequate consideration of the issues by the Parliament will leave a legacy of inefficiency and further erosion of the body which should be supreme above the Executive.

MAGNUS CORMACK  
Chairman

Parliament House,  
26 May 1976



PERSONS AND ORGANISATIONS WHO MADE SUBMISSIONS  
AND/OR GAVE EVIDENCE TO THE COMMITTEE

NAME AND TITLE	DATE OF EVIDENCE
ADAMSON, Mr M. - Parliamentary Officer, House of Representatives.	20 October 1975
ANTHONY, the Rt Hon. J.D., M.P. - Leader of the National Country Party of Australia.	
ATKINSON, Mr F.D. - Government Printer of Australia.	20 October 1975
BLAKE, Mr D.M., V.R.D. - First Clerk Assistant, House of Representatives.	17 February 1975 15 May 1975 20 October 1975
BRIDGMAN, Mr W.J. - Principal Parliamentary Reporter.	20 October 1975
BRUDENALL, Mr M.J. - Principal Librarian, Legislative Research Service, Parliamentary Library.	20 October 1975
BRYANT, the Hon. G.M., E.D., M.P. - Minister for the Capital Territory.	30 April 1975
BURRELL, Mr R.L. - Chief Executive Officer, Joint House Department.	20 October 1975
CANT, Mr H.G.J. - Former Senator for Western Australia.	11 March 1975
CASS, the Hon. M.H., M.P. - Minister for Environment.	30 April 1975
CHAPMAN, Mr R.J.K. - Senior Lecturer in Administration, Department of Political Science, University of Tasmania.	
CHO, Mr K.Y. - Senior Lecturer in Administration, Royal Melbourne Institute of Technology.	
COOKE, Mr N.M. - Former Member for Petrie.	10 March 1975
CUMMING THOM, Mr A.R. - Clerk-Assistant, The Senate.	15 May 1975 20 October 1975



NAME AND TITLE	DATE OF EVIDE
ELLIOTT, Mr J. - Lecturer in Public Administration, Department of Government, University of Queensland.	10 March 1975
FARRAN, Mr A.C.C. - Sub-Dean (Graduate Studies), Faculty of Law, Monash University.	11 March 1975
FENTON, Mr R.B. - Secretary, Parliamentary Standing Committee on Public Works.	20 October 19
FRASER, the Hon. J.M., M.P. - Leader of the Opposition.	13 June 1975
HILLYER, Mr R.W. - Secretary, Joint House Department.	20 October 19
HURFORD, Mr C.J., M.P. - Member for Adelaide.	
INGRAM, Mr K.R. - Assistant Principal Parliamentary Reporter.	20 October 19'
JOHNSON, Mr L.K., M.P. - Chairman, Parliamentary Standing Committee on Public Works.	20 October 19'
KEEFFE, Senator J.B. - Senator for Queensland.	10 March 1975
KELLY, the Hon. C.R., M.P. - Member for Wakefield.	11 March 1975
L'ESTRANGE, Mr L.	
McEWAN, Mr C.T.	
MOORE, Mr A.L., O.B.E. - Parliamentary Librarian.	20 October 197
NAIRN, Mr D.W. - Parliamentary Officer, House of Representatives.	20 October 197
NATIONAL CAPITAL DEVELOPMENT COMMISSION	
NICOLSON, Mr I.F. - Reader in Public Administration, Department of Government, University of Queensland.	10 March 1975

NAME AND TITLE	DATE OF EVIDENCE
O'BYRNE, Senator the Hon. J. - President of the Senate.	17 February 1975
ODGERS, Mr J.R., C.B.E. - Clerk of the Senate.	17 February 1975 20 October 1975
PARKES, Mr N.J., O.B.E. - Clerk of the House of Representatives.	17 February 1975 20 October 1975
REID, Professor G.S. - Head of Department of Politics, University of Western Australia.	24 February 1975
ROBERTS, Mr P.J. - Assistant Secretary, Parliamentary Standing Committee on Public Works.	20 October 1975
SCHOLLES, the Hon. G.G.D., M.P. - Speaker of the House of Representatives.	30 April 1975 20 October 1975
SOCIETY FOR SOCIAL RESPONSIBILITY IN SCIENCE	
THWAITES, Mr M.R. - Assistant Parliamentary Librarian.	20 October 1975
URBAN AND REGIONAL DEVELOPMENT, DEPARTMENT OF	
WHITLAM, the Hon. E.G., Q.C., M.P. - Prime Minister.	11 March 1975 19 May 1975
WILTSHIRE, Mr K.W. - Lecturer in Public Administration, Department of Government, University of Queensland.	10 March 1975



NUMBER OF BILLS INTRODUCED IN THE  
AUSTRALIAN PARLIAMENT 1967-1975

	House of Representatives	Senate	Total
1967	127	10	137
1968	155	18	173
1969	100	2	102
1970	148	9	157
1971	144	5	149
1972	140	11	151
1973	234	29	263
1974	211	30	241
1975	208	7	215
Average	163	13	176



BILLS CONSIDERED BY THE HOUSE OF REPRESENTATIVES  
IN COMMITTEE OF THE WHOLE 1973-1975

	A	B	C	D
Session	Sent to Committee	Committee by-passed by leave	Not passed second reading	Total
1973-74	61	183	9	253
1974	9	27	14	50
1974-75	123	247	29	399

- 1 It can be seen that the ratio of A to B in 1973-74 and 1974 was exactly 1:3. That is, exactly 25% of Bills, which passed second reading, were sent to Committee of the Whole.
- 2 In 1974-75 the ratio is 1:2. That is, 33% of Bills, which passed second reading, were sent to Committee of the Whole.
- 3 It is considered unlikely that the 1974-75 figure of 33% would be exceeded in many other sessions.



BILLS IN WHICH COMMITTEE OF THE WHOLE  
AMENDMENTS WERE AGREED TO, 1972 and 1975\*

	1972		1975	
	Senate	House of Represent- atives	Senate	House of Represent- atives
No. of Bills dealt with	142	144	163	196
(a) No. amended only by Ministers motion	1	6	6	18
(b) No. amended only by Non-Government motion	1 )	2 )	6 )	4 )
(c) No. combination of (a) and (b)	0 ) 1	2 ) 4	5 ) 11	4 ) 8
TOTAL AMENDED	2 (1%)	10 (7%)	17** (11%)	26 (13%)
TOTAL (b) and (c)	1 (1%)	4 (3%)	11 (7%)	8 (4%)

\* Bills sent to select or standing committees omitted.

\*\* As well, the Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Bill was amended when the vote on the question that clauses 6 and 7 stand was tied 28/28 and the question was therefore negatived.





BILLS REFERRED TO  
SENATE SELECT OR STANDING COMMITTEES

- 1 Central Reserve Bank Bill 1930
- 2 Constitution Alteration (Avoidance of Double Dissolution  
Deadlocks) Bill 1950
- 3 Commonwealth Bank Bill 1950 (No. 2)
- 4 Death Penalty Abolition Bill 1970
- 5 Compensation (Commonwealth Employees) Bill 1973
- 6 National Compensation Bill 1974
- 7 Family Law Bill 1974



ANALYSIS OF LEGISLATION PASSED BY THE  
AUSTRALIAN PARLIAMENT DURING 1973 AND 1974

During the course of its inquiry the Committee has heard evidence supporting the introduction of legislation committees to handle the Committee of the Whole stages of Bills. Witnesses pointed to the British and Canadian parliamentary systems which use such committee consideration.

An obvious problem faced by the Australian Parliament is that it passes more than 150 Bills each year and the Houses' memberships are 127 and 64. By comparison the British House of Commons has 635 Members and passes 80 Bills each year and the Canadian House of Commons has 265 Members and passes about 50 Bills.

A possible conclusion from the gross data stated above is that the Australian Parliament does not have the capacity, whether it uses a committee system or not, to give effective consideration to the amount of legislation which passes through it.

The sub-committee which visited Canada and Britain formed the impression that the legislation which those Parliaments deal with is qualitatively different to the bulk of legislation dealt with by our Parliament. In Britain, especially, minor legislation tends to be dealt with as delegated legislation and the Bills which the government introduces into the Parliament are generally of major importance and are substantial in both size and content.

Working from this observation the sub-committee intimated in Report No. 1 that it should be possible to make an assessment of the quality of legislation dealt with by the Australian Parliament in order to see how many major pieces of legislation were handled in each year and to compare that figure with the data from Britain and Canada. The Committee secretariat has categorised all Bills passed in 1973 and 1974 as follows:

A	Machinery (updating, repealing, etc.)	)	
B	Minor amendments (not policy)	)	
C	Minor and machinery financial amendments	)	Minor legislation
D	Appropriation and Supply	)	
E	States Grants	)	
<hr/>			
F	Major amendments (may include policy)	)	
G	Major financial	)	Major legislation
H	Policy initiatives.	)	

The secretariat also listed the number of pages in Bills of each category to obtain an indication of the content of legislation - an important factor to be considered when discussing committee consideration of legislation.

The results of the analysis are as follows:

	1973				1974			
	No. of Bills Passed	% of Total Bills Passed	No. of Pages Involved	% of Total Pages	No. of Bills Passed	% of Total Bills Passed	No. of Pages Involved	% of Total Pages
<u>Minor</u>								
Machinery	66	30)	195	10)	35	21)	99	5)
Minor amendments	43	20)	399	21)	36	22)	192	10)
Minor & machinery amendments	26	12)	158	8)	26	16)	678	34)
		81%		70%		83%		68%
Appropriation and Supply	9	4)	368	19)	7	4)	175	9)
States Grants	33	15)	225	12)	34	20)	196	10)
<u>Major</u>								
Major amendments	11	5)	237	12)	7	4)	168	9)
Major financial	8	3)	109	6)	6	4)	108	5)
Policy initiatives	24	11)	235	12)	15	9)	363	18)
	220	100	1,926	100	166	100	1,979	100

It should be noted that during 1973 and 1974 minor legislation accounted for 82% of the total of Bills passed and for 69% of the total number of pages contained in the 386 Bills passed. On the other hand major legislation made up 18% of the total Bills and 31% of the number of pages. In summary: of almost 400 Bills passed into law in 1973 and 1974 only about 70 could be described as being major pieces of legislation (30 to 40 each year).

Legislation committees in the House of Representatives would be able to handle the legislative workload of the Parliament. It is considered possible for legislative committees to give detailed consideration to 30 or 40 Bills each year. The remainder of Bills are not expected to require detailed or close examination as, in the main, they represent machinery and non-policy amendments to existing legislation (they are the sorts of Bills on which the House does not go into the Committee of the Whole but proceeds directly to the third reading). Even if half of the States Grants Bills passed each year are considered to fall into the category of major legislation this would only add about 15 Bills to the present average of 35 major pieces of legislation each year.

PUBLIC ADMINISTRATION COMMITTEE -  
PROPOSED TERMS OF REFERENCE

(1) The committee is required to ascertain whether government programs are being delivered at the lowest possible administrative cost consistent with the need for maintaining adequate delivery of those programs by:

- (a) examination of any papers on public expenditure presented to the House of Representatives;
- (b) examination of such of the estimates as the committee sees fit;
- (c) examination of the annual reports of the Public Service Board;
- (d) examination of reports of investigations carried out under the authority of section 17 of the Public Service Act.

The committee shall regularly report to the House on its performance of this function.

(2) The committee is required to examine the accounts of the receipts and expenditure of the Commonwealth and its agencies and each statement and report transmitted to the House by the Auditor-General pursuant to subsection 53.(1.) of the Audit Act. The committee shall report to the House on:

- (a) any issues raised by those accounts, statements or reports;
- (b) any alterations which the committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys.

(3) Reports of the committee pursuant to paragraph (1) should, wherever possible, contain a financial statement showing the saving of expenditure that would result from the implementation of the committee's recommendations.





EXTRACT FROM PUBLIC SERVICE ACT 1922-1975

Duties of Board:

Sub-section (1) amended by No. 209, 1973, s. 13 and Schedule.

17. (1) In addition to such duties as are elsewhere in this Act imposed on it, the Board shall have the following duties—

- (a) to devise means for effecting economies and promoting efficiency in the management and working of Departments by—
- (i) improved organization and procedure;
  - (ii) closer supervision;
  - (iii) the simplification of the work of each Department, and the abolition of unnecessary work;
  - (iv) the co-ordination of the work of the various Departments;
  - (v) the limitation of the staffs of the various Departments to actual requirements, and the utilization of those staffs to the best advantage;
  - (vi) the improvement of the training of officers;
  - (vii) the avoidance of unnecessary expenditure;
  - (viii) the advising upon systems and methods adopted in regard to contracts and for obtaining supplies, and upon contracts referred to the Board by a Minister; and
  - (ix) the establishment of systems of check in order to ascertain whether the return for expenditure is adequate;
- (b) to examine the business of each Department and ascertain whether any inefficiency or lack of economy exists;
- (c) to exercise a critical oversight of the activities, and the methods of conducting the business, of each Department;
- (d) to maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each Department, and to institute standard practice and uniform instructions for carrying out recurring work; and
- (e) such other duties in relation to the Service as are prescribed.

(2) In relation to all matters specified in the last preceding subsection, other than paragraph (e) thereof, the Board shall in the first place advise the Permanent Head of the Department of its suggestions or proposals.

Amended by No. 209, 1973, s. 13 and Schedule.

(3) If the Permanent Head does not concur in or adopt the suggestions or proposals he shall within a reasonable time inform the Board of the reasons therefor.

Amended by No. 209, 1973, s. 13 and Schedule.

(4) Thereupon the Board may, if it thinks fit, make a recommendation, report or suggestion to the Minister administering the Department, and if the recommendation, report or suggestion is not approved or adopted by the Minister within a reasonable time, the Board may report the matter to both Houses of the Parliament either in a special report or in its annual report.



## PARLIAMENTARY COMMITTEES IN OPERATION ON 14 MAY 1976

	SENATORS	MEMBERS	TOTAL
<u>STANDING SUBJECT MATTER</u>			
1 Constitutional and Legal Affairs (S)	6	-	6
2 Education and the Arts (S)	6	-	6
3 Foreign Affairs and Defence (S)	6	-	6
4 Social Welfare (S)	6	-	6
5 Trade and Commerce (S)	6	-	6
6 National Resources (S)	6	-	6
7 Science and the Environment (S)	6	-	6
8 Aboriginal Affairs (H)	-	8	8
9 Environment and Conservation (H)	-	8	8
10 Road Safety (H)	-	8	8
11 A.C.T. (J)	4	6	10
12 Foreign Affairs and Defence (J)	7	14	21
TOTAL NO.: 12	53	44	97

FINANCIAL

13 Public Accounts (J)	3	7	10
14 Public Works (J)	3	6	9
15 Expenditure (H)	-	12	12
TOTAL NO.: 3	6	25	31

SELECT

16 Aborigines and Torres Strait Islanders (S)	6	-	6
17 Specific Learning Difficulties (H)	-	8	8
18 Parliamentary Committee System (J)	6	7	13
TOTAL NO.: 3	12	15	27

		SENATORS	MEMBERS	TOTAL
<u>DOMESTIC</u>				
19	New and Permanent Parliament House (J)	7	8	15
20/ 21	Publications (H & S)	7	7	14
22	Regulations and Ordinances (S)	7	-	7
23	Broadcasting (J)	3	6	9
24/ 25	House (H & S)	7	7	14
26/ 27	Library (H & S)	7	7	14
28/ 29	Privileges (H & S)	7	9	16
30/ 31	Standing Orders (H & S)	11	11	22
32	Disputed Returns and Qualifications (S)	7	-	7
TOTAL NO.: 14		63	55	118
<u>ESTIMATES</u>				
33- 38	A - F (S)	36	-	36
TOTAL NO.: 6		36	-	36
GRAND TOTALS: 38 committees		170	139	309

A POSSIBLE INSTITUTIONAL STRUCTURE OF STANDING COMMITTEES

Senate

Foreign Affairs &  
Defence

Foreign Affairs including treaties, relations and communications with overseas governments, and diplomatic and consular missions.

Defence including civil defence.

Education & the Arts

Education including education in the Territories.

Prime Ministers's - part only - support for the arts and letters (Aust. Film Board).

Environment, Science  
& Technology

Environment, Housing and Community Development - part only - environment and conservation.

Science - including science and technology, etc. CSIRO.

Legal Affairs

Attorney-General's - including law and justice, human rights, civil liberties, and censorship.

Community Development  
& Construction

Environment, Housing and Community Development - part only - urban and regional planning and development, housing, hostels.

Construction - including planning and design, execution and maintenance of furniture, furnishings, fittings, and Commonwealth Government works.  
NCDC (CT), Darwin Reconstruction Commission (NT) & Tasman Bridge Restoration (PM's).

Federal Affairs

Prime Minister's - part only - relations and communications with State Govts. (excluding financial relations).

Capital Territory including administration of ACT and Jervis Bay Territory.

Northern Territory including administration of NT & Ashmore & Cartier Is.

Administrative Services - part only - matters related to Cocos Is. Christmas Is., Norfolk Is. & Coral Sea Is. Territories.

Transport & Communications	<u>Transport</u> - including civil aviation navigation and shipping, lighthouses, etc. and land transport.
	<u>Postal &amp; Telecommunications</u> including postal, telegraphic, telephonic and other like services. A.B.C.
Immigration & Ethnic Affairs	<u>Immigration &amp; Ethnic Affairs</u> including migration, naturalisation and aliens.
<u>House of Representatives</u>	Migrant welfare.
Economic Affairs	<u>Treasury</u> excluding census and statistics; superannuation and other retirement benefit schemes.
Employment & Industrial Relations	<u>Employment &amp; Industrial Relations</u> including unemployment benefits, employment and industrial relations aspects of the PSB.
Business & Consumer Affairs	<u>Business &amp; Consumer Affairs</u> excluding the I.A.C. and customs duties.
	<u>Industry and Commerce</u>
Trade & Tariffs	I.A.C., <u>Overseas Trade</u> ; customs duties.
Primary Industry & Resources	<u>Primary Industry</u> ; <u>National Resources</u> excluding national mapping.
Government Operations	<u>Administrative Services</u> excluding Commonwealth Territories, census and statistics.
Social Welfare	<u>Aboriginal Affairs</u> ; <u>Health</u> ; <u>Repatriation</u> ; superannuation, retirement benefit schemes, etc.; <u>Social Security</u> ; child care; unemployment benefits.
Statutory Authorities	Statutory authorities not falling within the jurisdiction of other committees and Commonwealth trading operations.

NOTES ON TECHNIQUES AND  
PROBLEMS OF THE COMMITTEE

Sub-committee activity

The Committee considered it necessary to obtain first hand experience of overseas parliamentary committee practice. It appointed a sub-committee and obtained approval for the sub-committee to travel to Britain and Canada. It should be emphasised that this is only the second or third occasion on which a sub-committee of an Australian parliamentary committee has travelled overseas.

The visit was absolutely essential to the inquiry. This leads the Committee to believe that there have probably been many other cases when a parliamentary committee has been impeded from doing its job properly because the government of the day has insisted that it would create an undesirable precedent to permit committees to travel overseas. Some parliamentary committees spend many thousands of dollars on travel within Australia. The total cost of domestic travel by committee members and staff cannot be accurately estimated but it would certainly exceed \$200,000 each year. The attitude of governments in preventing parliamentary committees from travelling overseas is not consistent with these facts.

It is pointed out that the Parliament appropriates the funds for its own committees. Even in this case governments maintain that they have the right to prevent committees from travelling overseas and using funds which the Parliament has already appropriated on their behalf.

Interim Reports

The Committee presented an Interim Report in October 1975. Generally, the Committee is in agreement with Dr Forbes who made a dissenting report in which he stated that he did



not consider it proper for select committees to make progress reports or to produce sub-committee reports in the guise of a non-attributable interim report.

Notwithstanding that the Committee itself took this action in 1975, the comments are accepted and commended to committees of both Houses.

### Chairmanship

The terms of reference of the Committee prescribe that the chairman may only be a government member. In paragraph 226 the Committee proposed the view that each committee should have the right to elect its own chairman. This is especially the case when there has been a change of government and continuity of chairmanship should be maintained in the closing stages of an inquiry.

The Committee presented a special report to the House on 6 April 1976. The report requested the House to take action to amend its resolution of appointment to enable it to elect its own chairman. The Committee reiterates that this is an important point of committee practice. It also points out that it is proper to obtain variations in resolutions of appointment or terms of reference by submitting a special report rather than by informal redefinition or by motion without the imprimatur of the committee.

ANALYSIS OF SENATORS AND MEMBERS  
COMMITTEE MEMBERSHIP AT 14 MAY 1976

1	Total No. of Senators	64
2	Total No. of Members of the House of Representatives	127
3	No. of Senate committee places	170
4	No. of House of Representatives committee places	139
5	No. of Senate investigatory committee places	128
6	No. of House of Representatives investigatory committee places	99
7	Total No. of Senators on committees	59
8	Total No. of Members of the House of Representatives on committees	83
9	No. of Senators on investigatory committees	54
10	No. of Members of the House of Representatives on investigatory committees	68

The data above show that 59 of 64 Senators serve on parliamentary committees whilst only 83 of 127 Members of the House of Representatives serve on committees (92% vs. 65%). When this analysis related only to investigatory\* committees 54 Senators and 68 Members of the House are involved (86% vs. 54%).

Senators who serve on committees serve on an average of 2.9 committees each and Members in this category serve on an average of 1.7 committees each. If the analysis is restricted only to investigatory committees\* the figures are (a) 54 Senators serve on an average of 2.4 committees each and (b) 68 Members serve on an average of 1.5 committees each. When these figures are expressed as average committee activity of all Members, not just those who serve on committees, we find that

---

\* Committees shown in Appendix I as Nos. 1 - 22 and 33 - 38.

the average Senator serves on 2.7 committees (including 2 investigatory committees) whilst the average Member of the House of Representatives serves on 1.1 committees (including 0.8 investigatory committees).

HOUSE OF REPRESENTATIVES  
COMMITTEE MEMBERSHIP - 30TH PARLIAMENT

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
<u>MINISTERS:</u>						
Fraser, Rt Hon. J.M. (Prime Minister)						0
Anthony, Rt Hon. J.D. (Deputy Prime Minister, Minister for National Resources, Minister for Overseas Trade)	Standing Orders					1
Adermann, Hon. A.E. (Minister for the Northern Territory and Minister Assisting the Minister for National Resources)						0
Ellicott, Hon. R.J., Q.C. (Attorney-General)						0
Howard, Hon. J.W. (Minister for Business and Consumer Affairs)						0
Hunt, Hon. R.J.D.(Minister for Health)						0
Killen, Hon. D.J. (Minister for Defence)						0
Lynch, Hon. P.R. (Treasurer)						0

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
MacKellar, Hon. M.J.R. (Minister for Immigration and Ethnic Affairs)						0
McLeay, Hon. J.E. (Minister for Construction and Minister Assisting the Minister for Defence)						0
Newman, Hon. K.E. (Minister for Repatriation)						0
Nixon, Hon. P.J. (Minister for Transport)						0
Peacock, Hon. A.S. (Minister for Foreign Affairs)						0
Robinson, Hon. E.L. (Minister for Post and Telecommunications and Minister Assisting the Treasurer)						0
Sinclair, Hon. I.McC. (Minister for Primary Industry and Leader of the House)	Standing Orders					1
Staley, Hon. A.A. (Minister for Capital Territory)					New and Permanent Parliament House	1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Street, Hon. A.A. (Minister for Employment and Industrial Relations and Minister Assisting the Prime Minister in Public Service Matters)						0
Viner, Hon. R.I. (Minister for Aboriginal Affairs)	Privileges					1
<u>OPPOSITION EXECUTIVE:</u> Whitlam, Hon. E.G., Q.C. (Leader of the Opposition)						0
Uren, Hon. T. (Deputy Leader of Opposition)	Standing Orders					1
Bowen, Hon. L.F.	Privileges					1
Cass, Hon. M.H.		Environment and Conservation				1
Connor, Hon. R.F.X.						0
Hayden, Hon. W.G.						0
Hurford, C.J.		Expenditure				1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Innes, U.E.	House		Specific Learning Difficulties			2
Keating, Hon. P.J.					New and Permanent Parliament House	1
Morris, P.F.					Parliamentary Committee System	1
Scholes, G.G.D.	Privileges Standing Orders			Broadcasting of Parl'y Proceedings	New and Permanent Parliament House	4
Willis, R.						0
Young, M.J.		Environment and Conservation			Parliamentary Committee System	2

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
<u>SPEAKER:</u> Snedden, Rt Hon. B.M., Q.C.	Library House Standing Orders			Broadcasting of Parly Proceedings	New and Permanent Parliament House	5
<u>DEPUTY SPEAKER AND CHAIRMAN OF COMMITTEES:</u> Lucock, P.E., C.B.E.	Privileges Standing Orders					2
<u>WHIPS:</u> Bourchier, J.W. (Government Whip)						0
Corbett, J. (National Country Party Whip)				Broadcasting of Parly Proceedings		1
Nicholls, M.H. (Opposition Whip)	Privileges					1
<u>OTHER MEMBERS:</u> Abel, J.A. (L.P.)	House					1
Aldred, K.J. (L.P.)						0



Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Armitage, J.L. (A.L.P.)	Library			Public Accounts	Foreign Affairs and Defence	3
Baillieu, M. (L.P.)	Library	Environment and Conservation				2
Baume, M.E. (L.P.)						0
Beazley, Hon. K.E. (A.L.P.)			Specific Learning Difficulties		Foreign Affairs and Defence	2
Birney, R.J. (L.P.)						0
Bonnett, R.N. (L.P.)						0
Bradfield, J.M. (L.P.)						0
Braithwaite, R.A. (N.C.P.)						0
Brown, N.A. (L.P.)					Foreign Affairs and Defence	1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Bryant, Hon. G.M., E.D. (A.L.P.)	Standing Orders Library	Aboriginal Affairs			Foreign Affairs and Defence	4
Bungey, M.H. (L.P.)	Publications			Public Works	A.C.T.	3
Burr, M.A. (L.P.)						0
Cadman, A.G. (L.P.)			Specific Learning Difficulties		Parliamentary Committee System	2
Cairns, Hon. J.F. (A.L.P.)						0
Cairns, Hon. K.M. (L.P.)		Expenditure			New and Permanent Parliament House	2
Calder, S.E., D.F.C. (N.C.P.)		Aboriginal Affairs				1
Cameron, D.M. (L.P.)	House Privileges			Broadcasting of Parl'y Proceedings		3

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Carige, C.L. (N.C.P.)						0
Chapman, H.G.P. (L.P.)						0
Chipp, Hon. D.L. (L.P.)						0
Cohen, B. (A.L.P.)		Road Safety				1
Connolly, D.M. (L.P.)		Expenditure		Public Accounts		2
Cotter, J.F. (L.P.)						0
Crean, Hon. F. (A.L.P.)		Expenditure		Public Accounts	A.C.T.	3
Dobie, Hon. J.D.M. (L.P.)				Public Accounts		1
Drummond, P.H. (L.P.)		Aboriginal Affairs				1
Edwards, Dr H.R. (L.P.)						0
Falconer, P.D. (L.P.)		Road Safety	Specific Learning Difficulties			2

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Fife, Hon. W.C. (L.P.)	Standing Orders	Expenditure				2
Fisher, P.S. (N.C.P.)		Environment and Conservation				1
FitzPatrick, J. (A.L.P.)	Publications					1
Fry, K.L. (A.L.P.)					Foreign Affairs and Defence A.C.T.	2
Garland, Hon. R.V. (L.P.)		Expenditure			Foreign Affairs and Defence New and Permanent Parliament House	3
Garrick H.J. (A.L.P.)	Library					1
Giles, G.O'H. (L.P.)	Standing Orders					1
Gillard, R. (L.P.)						0

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Goodluck, B.J. (L.P.)		Road Safety				1
Graham, B.W. (L.P.)				Broadcasting of Parly Proceedings		1
Groom, R.J. (L.P.)						0
Hamer, D.J., D.S.C. (L.P.)					Foreign Affairs and Defence	1
Haslem, J.W. (L.P.)					A.C.T.	1
Hodges, J.C. (L.P.)	Publications	Environment and Conservation				2
Hodgman, M. (L.P.)	Privileges					1
Holten, Hon. R.McN. (N.C.P.)	House					1
Hyde, J.M. (L.P.)			Specific Learning Difficulties			1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Jacobi, R. (A.L.P.)	Privileges	Expenditure			Foreign Affairs and Defence	3
James, A.W. (A.L.P.)				Public Works		1
Jarman, A.W. (L.P.)	Privileges					1
Jenkins, Dr H.A. (A.L.P.)	Standing Orders	Environment and Conservation Expenditure			Parliamentary Committee System	4
Johnson, L.K. (A.L.P.)	Standing Orders			Public Works	New & Permanent Parliament House	3
Johnson, Hon. L.R. (A.L.P.)		Aboriginal Affairs				1
Johnson, P.F. (L.P.)					Parliamentary Committee System	1
Jones, Hon. C.K. (A.L.P.)		Road Safety				1
Jull, D.F. (L.P.)						0
Katter, Hon. R.C. (N.C.P.)		Road Safety				1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Kelly, Hon. C.R. (L.P.)				Public Works		1
King, Hon. R.S. (N.C.P.)						0
Klugman, Dr R.E. (A.L.P.)	House		Specific Learning Difficulties		Foreign Affairs and Defence	3
Lloyd, B. (N.C.P.)					New and Permanent Parliament House	1
Lusher, S.A. (N.C.P.)				Public Accounts		2
McLean, R.M. (L.P.)						1
McMahon, J.L. (A.L.P.)	House			Public Works		3
McMahon, Rt Hon. W., C.H. (L.P.)						0
McVeigh, D.T. (N.C.P.)			Specific Learning Difficulties			1
MacKenzie, A.J. (N.C.P.)					A.C.T.	1

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Macphee, I.M. (L.P.)		Expenditure				1
Martin, V.J. (A.L.P.)				Public Accounts		1
Martyr, J.R. (L.P.)	Publications					1
Millar, P.C. (N.C.P.)	Publications			Public Works		2
Moore, J.C. (L.P.)						0
Neil, M.J. (L.P.)					Foreign Affairs and Defence	1
O'Keefe, F.L. (N.C.P.)	Library					1
Porter, J.R. (L.P.)						0
Richardson, Dr P.A. (L.P.)						0
Robinson, Hon. I.L. (N.C.P.)					Foreign Affairs and Defence Parliamentary Committee System	2



Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Ruddock, P.M. (L.P.)		Aboriginal Affairs Road Safety				2
Sainsbury, M.E. (L.P.)					A.C.T.	1
Shipton, R.F. (L.P.)			Specific Learning Difficulties		Foreign Affairs and Defence	2
Short, J.R. (L.P.)		Road Safety		Public Accounts	Foreign Affairs and Defence	3
Simon, B.D. (L.P.)		Environment and Conservation				1
Stewart, Hon. F.E. (A.L.P.)		Expenditure				1
Sullivan, Lt Col. J.W. (N.C.P.)		Expenditure			Foreign Affairs and Defence	2
Thompson, D.S., M.C. (N.C.P.)						0

Members	Standing Committees (Pursuant to Standing Orders)	Standing Committees (Pursuant to Resolution of the House)	Select Committees	Joint Statutory Committees	Joint Committees	Total
Wallis, L.G. (A.L.P.)	Publications	Aboriginal Affairs				2
Wentworth, Hon. W.C. (L.P.)	Library	Aboriginal Affairs				2
Whitlam, A.P. (A.L.P.)	Publications			Broadcasting of Parl'y Proceedings		2
Wilson, I.B.C. (L.P.)		Environment and Conservation				1
Yates, W. (L.P.)					Parliamentary Committee System	1
<u>TOTAL COMMITTEE PLACES: 139</u>						

THE SENATE  
COMMITTEE MEMBERSHIP - 30TH PARLIAMENT

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
<u>MINISTERS:</u>							
Withers, Hon. R.G. (Leader of the Government in the Senate, Minister for Administrative Services)	Standing Orders						1
Carrick, Hon. J.L. (Minister for Education, Minister assisting the Prime Minister in Federal Affairs)							0
Cotton, Hon. R.C. (Minister for Industry and Commerce)							0
Greenwood, Hon. I.J., Q.C. (Minister for Environment, Housing and Community Development)	Standing Orders						1
Guilfoyle, Hon. M.G.C. (Minister for Social Security)							0
Webster, Hon. J.J. (Minister for Science, Leader of the National Country Party in the Senate)	Standing Orders						1

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
<u>OPPOSITION EXECUTIVE:</u> Wriedt, Hon. K.S. (Leader of the Opposition in the Senate)						D	1
Keefe, J.B. (Deputy Leader of the Opposition)			Aborigines and Torres Strait Islanders				1
Button, J.N.	Privileges	Constitutional and Legal Affairs Education and the Arts					3
Gietzelt, A.F.	Library				Parliamentary Committee System	C	3
Grimes, D.J.	Disputed Returns and Qualifications	Social Welfare				E	3
McClelland, Hon. D.	Standing Orders			Broadcasting of Parly Proceedings		A	3

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Mulvihill, J.A.	Library	Science and Environment	Aborigines and Torres Islanders		Parliamentary Committee System	B	5
<u>PRESIDENT:</u> Lauke, Hon. C.L.	House Library Standing Orders			Broadcasting of Parly Proceedings	New and Permanent Parliament House		5
<u>CHAIRMAN OF COMMITTEES:</u> Drake-Brockman, Hon. T.C., D.F.C.	Disputed Returns and Qualifications Privileges Standing Orders				New and Permanent Parliament House		4
<u>WHIPS:</u> Chaney, F.M. (Government Whip)	Standing Orders	Constitutional and Legal Affairs					2

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Maunsell, C.R. (National Country Party Whip)		National Resources				C	2
Georges, G. (Opposition Whip)					A.C.T.		1
<u>OTHER SENATORS:</u>							
Archer, B.R. (L.P.)	Publications	Trade and Commerce			A.C.T.	C	4
Baume, P.E. (L.P.)	Disputed Returns and Qualifications	Social Welfare	Aborigines and Torres Strait Islanders	Public Accounts		E	5
Bishop, Hon. R. (A.L.P.)					Foreign Affairs and Defence		1

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Bonner, N.T. (L.P.)	Publications	Science and Environment	Aborigines and Torres Strait Islanders			E	4
Brown, W.W.C. (A.L.P.)	Disputed Returns and Qualifications Regulations and Ordinances Standing Orders	Social Welfare				E	5
Cameron, D.N. (A.L.P.)	Library Publications	Trade and Commerce					3
Cavanagh, Hon. J.L. (A.L.P.)							0
Coleman, R.N. (A.L.P.)	House	Trade and Commerce					2
Collard, S.J. (N.C.P.)	Regulations and Ordinances	Education and the Arts				D	3
Colston, M.A. (A.L.P.)		Science and the Environment		Public Accounts		D	3

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Cormack, Hon. Sir M.C., K.B.E. (L.P.)	Standing Orders			Broadcasting of Parly Proceedings	Foreign Affairs and Defence Parliamentary Committee System		4
Davidson, G.S. (L.P.)	Library	Education and the Arts					2
Devitt, D.M. (A.L.P.)	Regulations and Ordinances	Constitutional and Legal Affairs				F	3
Durack, P.D. (L.P.)	Regulations and Ordinances	National Resources			Foreign Affairs and Defence		3
Hall, R.S. (Leader of the Liberal Movement)							0
Harradine, B. (Ind.)	Library						1
Jessop, D.S. (L.P.)	Privileges	Science and Environment				B	3



Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Kilgariff, B.F. (N.C.P.)				Public Works		F	2
Knight, J.W. (L.P.)		Foreign Affairs and Defence			A.C.T.	A	3
Lajovic, M.E. (L.P.)		Trade and Commerce					1
McAuliffe, R.E. (A.L.P.)	Standing Orders	National Resources			Parliamentary Committee System		3
McClelland, Hon. J.R. (A.L.P.)		Constitutional and Legal Affairs				B	2
McIntosh, G.D. (Opposition Deputy Whip)		Foreign Affairs and Defence			New and Permanent Parliament House	A	3
McLaren, G.T. (A.L.P.)	House	National Resources				A	3
Martin, K.J. (Assistant Government Whip)		Education and the Arts				D	2

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Melzer, J.I. (A.L.P.)	House	Social Welfare Science and Environment	Aborigines and Torres Strait Islanders	Public Works	New and Permanent Parliament House	D	7
Messner, A.J. (L.P.)	Disputed Returns and Qualifica- tions House			Public Accounts		C	4
Missen, A.J. (L.P.)	Publications	Constitutional and Legal Affairs			New and Permanent Parliament House		3
O'Byrne, J. (A.L.P.)	Privileges Standing Orders				New and Permanent Parliament House		3
Primmer, C.G. (A.L.P.)		Foreign Affairs and Defence				C	2
Rae, P.E. (L.P.)		Constitutional and Legal Affairs	Aborigines and Torres Strait Islanders		Parliamentary Committee System	B	4

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committee	Total
Robertson, E.A. (A.L.P.)	Publications	Education and the Arts National Resources				F	4
Ryan, S.M. (A.L.P.)	Publications Regulations and Ordinances	Education and the Arts			A.C.T.	F	5
Scott, D.B. (N.C.P.)		Foreign Affairs and Defence			Foreign Affairs and Defence	A	3
Shiel, G. (N.C.P.)	House	Trade and Commerce				E	3
Sibraa, K.W. (A.L.P.)	Disputed Returns and Qualifications	Foreign Affairs and Defence			Foreign Affairs and Defence	B	4
Sim, J.P. (L.P.)	Disputed Returns and Qualifications	Foreign Affairs and Defence			Foreign Affairs and Defence	A	4
Tehan, T.J. (N.C.P.)	Publications	Social Welfare			Parliamentary Committee System	B	4

Senator	Standing Committees (pursuant to Standing Orders)	Legislative and General Purpose Standing Committees (pursuant to resolution)	Select Committees	Joint Statutory Committees	Joint Committees	Estimates Committees	Total
Thomas, A.M. (L.P.)	Privileges	National Resources				F	3
Townley, M. (L.P.)		Science and the Environment				D	2
Walsh, P.A. (A.L.P.)		Trade and Commerce				C	2
Walters, M.S. (L.P.)	Library	Social Welfare					2
Wheeldon, Hon. J.M. (A.L.P.)	Privileges				Foreign Affairs and Defence	E	3
Wood, I.A.C. (L.P.)	Regulations and Ordinances						1
Wright, Hon. R.C. (L.P.)	Privileges Regulations and Ordinances					F	3
Young, H.W. (L.P.)	House			Public Works	New and Permanent Parliament House		3
<u>TOTAL COMMITTEE PLACES: 170</u>							



COMMITTEES OF INQUIRY OF THE AUSTRALIAN PARLIAMENT\*  
1901-1969 (1st - 26th Parliaments)

(a) Committees of the House of Representatives and  
Joint Committees

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1901	Bonuses for Manufactures Bill	1	-
1901	Decimal System of Coinage	1	1
1901	Elections and Qualifications	1	3
1904	Electoral Act Administration	1	1
1904	Old Age Pensions	1	-
1905	Shipping Service between Commonwealth and United Kingdom	1	-
1907	Parliamentary Powers Privileges and Immunities	1	2
1908	Stripper Harvester and Drills	1	-
1910	Tasmanian Customs "Leakage"	1	-
1913	Powellised and other timber for the Port Augusta to Kalgoorlie Railway	1	-
1914	Irregular conduct and interference relating to documents belonging to the Speaker	1	1
1920	Sea Carriage	1	4
1923	Compensation for ex-gunner Yates	1	1
1923	Navigation Act	1	-
1926	Electoral Law and Procedure	1	1
1927	The Moving Picture Industry in Australia	1	-
1929	Tobacco Growing Industry in Australia	1	1
1941	Apple and Pear	1	1
1942	National Security	1	1
1941	Profits	1	1
1941	Joint Broadcasting	1	1
1942	Standing Broadcasting	1	1

\* The lists in this Appendix exclude statutory committees, estimates committees, and also any standing committees of a domestic or partially domestic nature, appointed pursuant to standing orders.

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1941	Rural Industries	1	1
1941	War Expenditure	2	9
1941	Social Security	2	7
1942	Repatriation	1	1
1941	Taxation Proposals	1	1
1944	Income Tax on Current Income	1	1
1946	Broadcasting of Parliamentary Proceedings	1	1
1952	Foreign Affairs	7	5
1954	Hansard	1	1
1956	Constitutional Review	2	2
1957	Australian Capital Territory	5	7
1961	Voting Rights for Aborigines	1	1
1962	Parliamentary and Government Publications	2	2
1963	Grievances of Yirrkala Aborigines, Arnhem Land Reserve	1	1
1963	House of Representatives Accommodation	1	1
1965	New and Permanent Parliament House	2	2
1968	Naming of Electoral Divisions	1	1
1968	Aircraft Noise	1	1
		55	65

(b) Committees of the Senate

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1901	Tasmania and Australia Steamship Communication	1	1
1904	Old Age Pensions	1	-
1904	Privilege - Case of Senator Lt Col Neild	1	1
1904	Retrenchment of Major Carroll	1	1
1905	Tobacco Monopoly	1	1

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1909	Press Cable Service	1	1
1913	Fitzroy Dock, Sydney	1	1
1913	Mr H. Chinn - Dismissal from Trans-continental Railway	1	1
1913	General Elections, 1913	1	1
1914	Mr Teesdale Smith's Contract	1	1
1915	Balfour Post Office, Tasmania	1	1
1918	Intoxicating Liquor - Effect on Australian Soldiers	1	2
1920	Senate Officials	1	1
1922	Capt. J. Strasburg - Claims for War Gratuity	1	1
1923	Warrant-Officer J.R. Allan - Discharge from Military Forces	1	1
1924	Repatriation case of First Lieut W.W. Paine	1	1
1924	Case of Munition Worker - J.F. Dunk	1	-
1929	Beam Wireless Messages: Charges Australia to England	1	1
1929	Standing Committee System	1	2
1930	Central Reserve Bank Bill 1930	1	2
1939	Captain T.P. Conway - Case for Compensation	1	1
1950	Constitution Alteration (Avoidance of Double Dissolution Deadlocks) Bill 1950	1	1
1950	National Service in the Defence Force	1	2
1951	Commonwealth Bank Bill 1950 (No. 2)	1	-
1954	Development of Canberra	1	1
1958	Payments to Maritime Unions	1	1
1959	Road Safety	1	1
1962	Encouragement of Australian Productions for Television	1	1
1967	Container Method of Handling Cargoes	1	1



DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1967	Metric System of Weights and Measures	1	1
1967	Off-shore Petroleum Resources	1	2
1968	Air Pollution	1	1
1968	Water Pollution	1	1
1968	Medical and Hospital Costs	1	2
1969	Canberra Abattoir	1	1
		35	38

Total Committees 1901 - 1969      90  
Total Reports 1901 - 1969      103

COMMITTEES OF INQUIRY OF THE AUSTRALIAN PARLIAMENT

1970-1975 (27th, 28th, 29th Parliaments)

(a) Committees of the House of Representatives

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1970	Aircraft Noise	1	2
1970	Wildlife Conservation	1	2
1970	Pharmaceutical Benefits	1	1
1972	Road Safety	3	3
1973	Environment and Conservation	2	8
1973	Aboriginal Affairs	2	4
1974	Specific Learning Difficulties	1	-
		11	20

(b) Committees of the Senate

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1970	Constitutional and Legal Affairs	3	3
1970	Health and Welfare	3	9
1970	Industry and Trade	3	8
1970	Securities and Exchange	3	1
1970	Foreign Ownership and Control	3	3
1971	Education, Science and the Arts	3	4
1971	Finance and Government Operations	3	2
1971	Foreign Affairs and Defence	3	4
1971	Social Environment	3	12
1971	National Resources	3	3
		30	51

(c) Joint Committees

DATE	COMMITTEE	NUMBER OF COMMITTEES	NUMBER OF REPORTS
1969	New and Permanent Parliament House	2	1
1970	Defence Forces Retirement Benefits Legislation	1	2
1970	Foreign Affairs and Defence	3	2
1970	Australian Capital Territory	3	18
1973	Prices	2	10
1973	Northern Territory	2	2
1974	Parliamentary Committee System	1	1
1974	Pecuniary Interests of Members of the Parliament	1	1
		15	37

Total Committees 1970 - 1975 56  
Total Reports 1970 - 1975 108

In the period 1901-1969 a total of 90 committees tabled 103 reports. In the 6 year period (1970-1975) a total of 56 committees tabled 108 reports. As a gross measure of committee activity reporting rates show that parliamentary committee activity in the last 6 years has equalled that of the first 69 years of Federation.

Appendix N describes the reporting rates of the permanent long standing committees. Incorporation of the data in the two appendixes still leads to a similar conclusion.

PUBLIC ACCOUNTS, PUBLIC WORKS AND  
REGULATIONS AND ORDINANCES COMMITTEES:  
REPORT DATA: 1901-1969; and 1970-1975

Public Accounts Committee

No. of Reports 1913 - 1969	114	(73%)
No. of Reports 1970 - 1975	42	(27%)
	<u>156</u>	

Public Works Committee

No. of Reports 1913 -1969	317	(75%)
No. of Reports 1970 - 1975	104	(25%)
	<u>421</u>	

Regulations and Ordinances Committee

No. of Reports 1932 - 1969	28	(56%)
No. of Reports 1970 - 1975	22	(44%)
	<u>50</u>	

The Public Accounts Committee was operative for 36 years prior to 1970 and for 6 years between 1970 and 1975. Its reports between 1970 and 1975 (15% of its term) represent 27% of its output.

The Public Works Committee was operative for 55 years prior to 1970 and for 6 years between 1970 and 1975. Its reports between 1970 and 1975 (10% of its term) represent 25% of its output.

The Regulations and Ordinances Committee was operative for 37 years prior to 1970 and for 6 years between 1970 and 1975. Its reports between 1970 and 1975 (15% of its term) represent 44% of its output.